

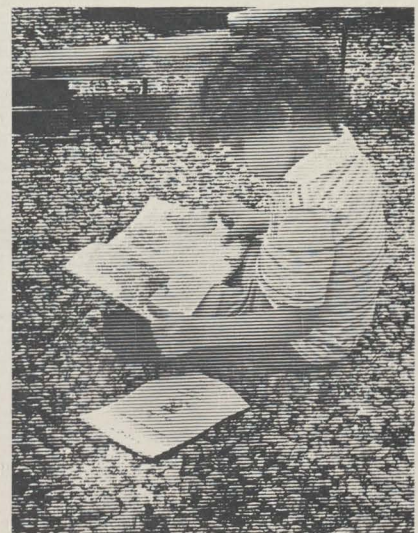
FALL 1980

The Law Alumni Journal

UNIVERSITY OF PENNSYLVANIA



COMMENCEMENT 1980



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Assistant Dean Lonsdorf

Symposium

The New Assistant Dean For Alumni Affairs

Alice B. Lonsdorf has been appointed Assistant Dean for Alumni Affairs, replacing Christopher F. Mooney, '78, who left the Law School to become the Academic Vice-President at Fairfield University, Fairfield, Connecticut.

Mrs. Lonsdorf is a native of Fort Worth, Texas, and is a graduate of the University of Texas. She came to Philadelphia in 1949 and has been an active participant in a multitude of nonprofit community and charitable organizations, frequently serving as director and trustee on their Boards. Most recently, Alice Lonsdorf was Chair and Director of the Friends of Independence National Historical Park, where she planned and coordinated numerous activities for the city of Philadelphia's 1976 Bicentennial celebration.

In addition to her continued activity with that organization, Mrs. Lonsdorf retains her current memberships on the Boards of the Mayor's Century Four Celebration Committee, the Philadelphia Convention and Visitors' Bureau, the Greater Philadelphia Cultural Alliance, and the Philadelphia Museum of Art, Women's Committee.

Alice Lonsdorf, in her new position, oversees the various alumni functions and activities which are part of the Alumni Affairs Office. She is also the non-academic advisor and counselor to the forty-seven graduate students who have come to the Law School this year from twenty-six countries.

Mrs. Lonsdorf has three sons and one grandchild. Her husband Richard G. Lonsdorf, M.D., is Professor of Clinical Psychiatry at the University of Pennsylvania Medical School and is Assistant Professor of Psychiatry and Law at the Law School.

Clerkships 1980-1981

Forty Law School Alumni are presently serving as law clerks to Judges on Federal and State Courts for the year 1980-1981. Thirty-seven of these are graduates of the Class of 1980.

Federal Courts

Judith Fabricant (non-matric)	Hon. Levin H. Campbell 1st Circuit
A. Richard Feldman	Hon. Henry J. Friendly 2nd Circuit
John Bandrow	Hon. Irving Kauffman 2nd Circuit
Roberta L. Rosenthal	Hon. Leonard Garth 3rd Circuit
James R. Stirn	Hon. John J. Gibbon 3rd Circuit
Gerald P. McAlinn ('79)	Hon. A. Leon Higginbotham 3rd Circuit
Joseph L. Seiler	Hon. Max Rosenn 3rd Circuit
Kent A. Mason	Hon. Phyllis Kravitch 5th Circuit
Richard D'Avino	Hon. Alvin Rubin 5th Circuit
Sarah E. McCarty	Hon. Boyce C. Martin 6th Circuit
Kit Kinports	Hon. Abner Mikva D.C. Circuit
Kenneth S. Kail	Hon. Daniel M. Freedman Court of Claims
Alvin J. Sarter	Hon. Robert Kunzig Court of Claims
Margaret R. Alexander	Hon. Murray Schwartz District of Delaware
Peter J. Lynch	Hon. Anne Thompson District of New Jersey
Robert L. Plotz	Hon. Edward Weinfeld Eastern District of N.Y.
David T. Eames	Hon. David N. Edelstein Southern District of N.Y.
Michael Maxwell (LL.M.)	Hon. Gus I. Solomon District of Oregon
Barbara A. McDonnell	Hon. Raymond Broderick Eastern District of PA
Joseph D. Cohen	Hon. James T. Giles Eastern District of PA
Charles F. Forer	Hon. Joseph S. Lord, III Eastern District of PA

Peter Y. Solmssen	Hon. Clarence Newcomer Eastern District of PA
Curtis E. A. Karnow ('77)	Hon. Louis H. Pollak Eastern District of PA
Dorothy A. Malloy	Hon. Norma L. Shapiro Eastern District of PA
Ellen L. Surloff	Hon. Maurice B. Cahill Western District of PA
Martin C. Carlson	Hon. Gerald Weber Western District of PA

Pennsylvania Courts

Frances E. Gerson	Hon. Bruce Kauffman Supreme Court of PA
Christopher W. Brown	Hon. Samuel J. Roberts Supreme Court of PA
John Snyder	Hon. Theodore O. Rogers Commonwealth Court of PA
Sally A. Simmons	Hon. Edmund Spaeth, Jr. Superior Court of PA
Deborah McElroy ('79)	Hon. Edward J. Bradley Phila. Court of Common Pleas
Vivian Sye-Payne	Hon. Doris M. Harris Phila. Court of Common Pleas
Ellen M. Briggs	Hon. Judith J. Jamison Phila. Court of Common Pleas
Olena W. Sterchow	Hon. Judith J. Jamison Phila. Court of Common Pleas
Martha L. Walfoort	Hon. Harry A. Takiff Phila. Court of Common Pleas
John Mahoney	Hon. Leonard Sugarman Chester Cty. Court of Common Pleas

Other States

Stephen M. Lowry	Hon. E. M. Gunderson Nevada Supreme Court
Mark L. Mallory	New Hampshire Supreme Court
Deborah Zell	Hon. Marvin Rimm New Jersey Tax Court
James K. Doane	Washington State Court of Appeals

The Law Alumni Society Hosts Students and Judges

The Board of Managers of the Law Alumni Society, and Philadelphia Common Pleas Court Judge Doris May Harris, '49, held the annual Student-Judges reception on November 13, 1980 at City Hall in Philadelphia.

Present at the event were Common Pleas Judges from Philadelphia and its four surrounding counties—Bucks, Chester, Delaware and Montgomery.

The Board of the Law Alumni Society sponsors this annual function in an effort to assist law students as they make the transition to active practitioner. Meeting with the Trial Bench in this informal manner, offers those students seeking judicial clerkships and those Judges seeking law clerks the opportunity to become acquainted. As part of the event, students also were encouraged to participate in a tour of the City Hall Court facilities, which was provided by a City Hall staff member.

Latino Law Students Form Association

The Latino Law Students and Alumni of the University of Pennsylvania have formally established the Penn-Latino Law Alumni Organization (PLLAO). The main goal of the new organization is to foster communication, cooperation and solidarity between the Latino law students and Alumni.

William Santiago, '82, serves as President of Latino Law Students Association, and Isis Carbajal de Garcia, '79, is the Alumni representative to PLLAO.

The Institute for Law and Economics

The Law School, together with the University of Pennsylvania Faculty of Arts and Sciences, has inaugurated a program which will serve the two-fold purpose of sponsoring research in law and economics and will enable students the pursuit of a joint degree in each of these fields.

The Institute's prospectus, in describing the necessity of the endeavor, states: "The great bulk of contemporary law is concerned with money and property and with the relationships and transactions that involve them. Yet, the theory of such relationships and transactions is, of course, precisely the domain of economics. Thus, there is no natural dividing line between legal theory and economic theory."

Law School Professor Henry Hansmann, who has been appointed to direct the Institute for a two-year term, is responsible for the coordination of activities between the Law School and FAS in awarding and/or disapproving research grants. The Institute is governed by an advisory board with representatives from government, business and the legal profession. The core faculty will be composed of eight professors from the Law School and from the Faculty of Arts and Sciences.

Professor Hansmann expects the Institute to be meaningfully operational by 1981. "But," he says, "this year will be spent in fundraising. Private individual donors have already provided \$75,000. Funds are also forthcoming from various foundations and the business community as well."

The Louis B. Schwartz International Conference Fund

The Law School Class of 1955, upon the occasion of its 25th Reunion in April 1980, has endowed a gift of \$25,000 to the School, enabling the establishment of the Louis B. Schwartz International Conference Fund.

One goal of the Conference would be to gather leaders, Law School and University faculty, prominent local lawyers, and state and local government officials for the purpose of discussing problems of international significance.

Dean James O. Freedman expects "that the Law School would sponsor such a conference at regular intervals, perhaps every year and certainly every second year. . . . Each conference would focus upon a topic of concern, such as international sales agreements, international control of money and banking, taxation of foreign income, the significance of the common market, international rules with respect to aliens, or the role of international tribunals".

The Conference honors Louis B. Schwartz, Benjamin Franklin and University Professor of Law. Mr. Schwartz, an Alumnus of both the Wharton and Law Schools of the University has been a professor at the Law School for thirty-four years. He has written extensively in the fields of Criminal Law and Antitrust Law, and has contributed in an advisory capacity to federal agencies and government committees in these areas. During his career, Mr. Schwartz has been visiting professor at colleges and universities throughout the world, and was Director of the

National Commission on Reform of Federal Criminal Laws.

The Law School is grateful to the Class of 1955 for its having undertaken the initial endowment of the Louis B. Schwartz International Conference Fund—a fund which serves the two-fold purpose of enriching both the Law School and an understanding of the law.

Professor Murray L. Schwartz Receives Award of Merit

Murray L. Schwartz, '49, Dean Emeritus and now Professor at U.C.L.A. School of Law, was presented the Law Alumni Society Award of Merit at a reception given in conjunction with the American Bar Association meetings in Honolulu, Hawaii this past August.

The Society's Award recognized that Professor Schwartz's "illustrious career as distinguished Dean, outstanding educator and wise counsellor have brought honor to his profession and to his Law School."

Robert Trescher, '37, presided at the reception, Robert M. Beckman, '56, presented Professor Schwartz with the Award, and Former Dean of Penn Law School, Jefferson B. Fordham, offered gracious comments to the event.



Professor Murray L. Schwartz, '49, center, with Mrs. Schwartz, right, receiving the Law Alumni Society Award of Merit from Robert M. Beckman, '56.

Have You Considered Teaching Law?

The Law School has a substantial and growing number of Alumni who are teaching in law schools across the country. Nearly one hundred Alumni are currently pursuing academic careers, with more being added each year.

The Law School makes its service available to any graduate who might be interested in considering an academic appointment. Professor Curtis R. Reitz has been the focal point of this service activity in recent years. He advises persons who have questions about their personal circumstances and maintains an informal clearinghouse to inform law schools about the interest and availability of Pennsylvania Alumni.

Professor Reitz said, of the current employment opportunities in law teaching: "There is a major division between full-time and part-time employment. The latter arrangements tend to be made on a year by year basis between judges and practitioners and law schools in their immediate geographical areas." Very few generalizations can be made about part-time opportunities, although Professor Reitz indicated a belief that the number of openings for such teaching will increase during the next few years.

Full-time academic appointments are developed in more established channels. The Association of American Law Schools provides a national marketplace through its Faculty Appointments Register and a Faculty Recruitment Conference. Anyone can submit a resumé to the Register which will then be distributed to every law school in the country. The Conference

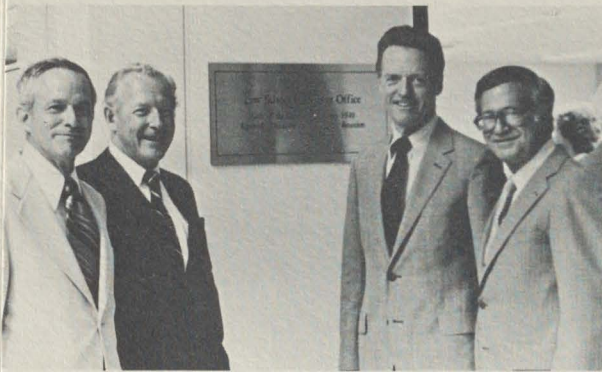
is held every fall, usually during the first week of December, in a midwestern city. The AALS charges small fees to participate in the Register and the Conference. Professor Reitz recommends these services as the most efficient medium for reaching the largest number of prospective employers. The address of the AALS is Suite 370—One Dupont Circle, N.W., Washington, D.C. 20036.

Alumni who may be interested in academic appointment are strongly encouraged to contact Professor Reitz. Many law schools send inquiries to our Faculty about prospective teachers. Professor Reitz and other members of the Faculty use this file of actively interested Alumni in responding to those frequent inquiries. Professor Reitz noted that a current resumé and a letter about the direction of a person's interest are important to enable the Faculty to be as helpful as possible.

Professor Reitz encourages those interested in law teaching to go to one or more law schools and express an interest in teaching there. No one should feel any constraint about this direct approach. Years ago, people were "called to academe", but it is quite acceptable today for a prospective teacher to initiate discussion with a particular school.

The Alumni Directory

The 1980 edition of the Law Alumni Directory has taken longer to prepare than we had anticipated. Your copy will arrive shortly if you have not received it as yet.



Attending the opening of the newly renovated Law School Placement Office are members of the Class of February, 1949, from left to right: Lewis B. Beatty, W. Alan Baird, William T. Walsh, and Marshall A. Bernstein.

The Class of February, 1949 Placement Office

Members of the Class of February, 1949, together with Law School Faculty and administration, gathered on September 15 to celebrate the official opening of the Law School's newly renovated Placement Office. The generous thirtieth reunion gift of the Class of February '49, made this efficient new facility possible.

The resumption of the school year always marks the beginning of the job interviewing season and Esther Cooperman, Assistant Director of Placement, reports that both prospective employers (which number upwards of 350 this year) and students are utilizing the new Office to its fullest extent.

The University Faculty Club Facilities Are Now Open to Alumni . . .

. . . and, at a bargain rate. The Board of Governors of the Faculty Club realize that area Alumni are unable to use the Club as frequently as campus members, so they are now offering a special Alumni membership for a fee of \$25.00.

The Club facilities are elegant and are "pure" Pennsylvanian. So, why not take advantage of the nominal fee and discover a new spot to entertain your family, friends and business associates.

Exhibits From the Library

The striking and informative exhibits found in the showcases and windows of the Law School's main entrance hall, are the work of a creative group of people—members of the Biddle Law Library Staff.

Nancy Arnold's latest effort, "Presidential Elections (1789-1980)" is replete with posters, buttons, and factual materials from past and present Presidential campaigns. This exhibit runs through December 1980.

Prior to Miss Arnold's exhibit, Ronald Day presented a "nostalgic" view of "Rationing Through the Ages." In the past, Biddle's foreign law librarian, Marta Tarnowsky, has demonstrated expertise in her field through foreign and comparative law exhibits.

We are grateful to the Library staff for undertaking these projects and for continually producing the stimulating exhibits which enhance the school.

Wanted: A Vice-Dean

The University of Pennsylvania Law School is seeking a new Vice-Dean to assume duties early in January, 1981. The Vice-Dean serves as Dean of Students and as Secretary of the Faculty; he or she assists the Dean in the administration of the Law School and will have certain supervisory and administrative responsibilities as specified by the Dean. Applicant must possess a law degree and be a member of the Bar. Prior experience in educational administration is desirable. The University of Pennsylvania is an equal opportunity, affirmative action employer. Applicants should send resumes to Dean James O. Freedman, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, Pennsylvania, 19104.

12th National Conference on Women and the Law to be Held in April, 1981

Planning is underway for the 12th National Conference on Women and the Law to be held in Boston, April 3-5, 1981.

The National Conference on Women and the Law is an annual gathering of women whose work and interests address the relationship between women and the legal system. For the past eleven years, the Conference has served as a forum for sharing skills, information, and strategies concerning women's legal issues. It has also served as a mechanism for the growth of a national network of feminist attorneys, legal workers, and law students.

Over one hundred workshops, panel discussions, and skills seminars which focus on the diverse legal and political issues facing women today will be attended by the Conference's 3,000+ participants. Keynote speakers and special discussion sessions will reflect the Conference's theme, "Women and Justice—Blind No More," bringing special attention to the oppression of poor women, women of color, and lesbians within the legal system, and examining the impact of hierarchy within the legal profession.

To receive further information and/or registration materials for the 12th National Conference, send your name and address to:

12th National Conference
on Women and the Law
207 Bay State Road,
4th Floor
Boston, Mass. 02215

or call the Conference office at:
(617) 353-3399.

Featured Events

COMMENCEMENT: THE CLASS OF 1980

An end and a beginning. For the 133rd graduating class of the University of Pennsylvania Law School, just the right measure of comradery, nostalgia, exhilaration and anticipation was in evidence on Commencement Day, May 19.

Rick D'Avino, the President of 1980, after an introduction by Dean James O. Freedman, expressed it all most meaningfully in his address to those gathered for the ceremony. What follows are excerpts from Mr. D'Avino's message:

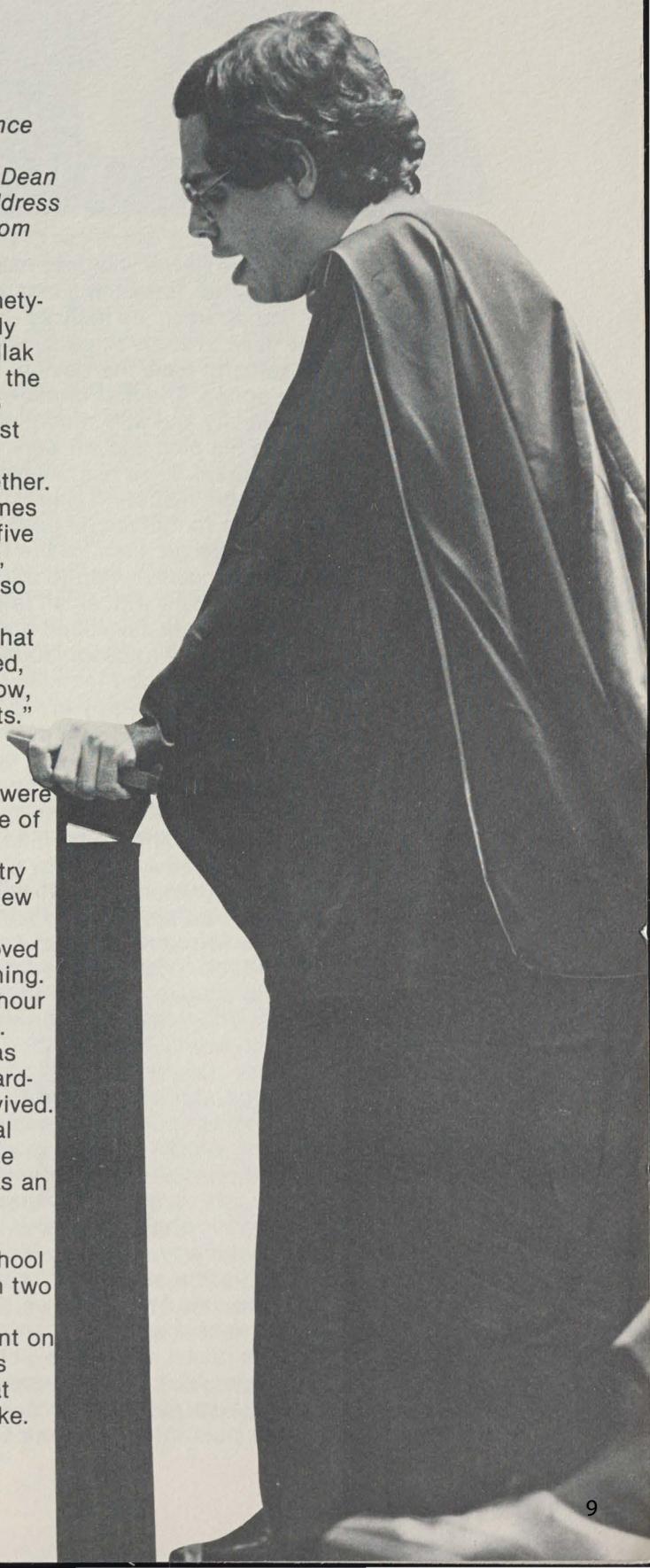
We began on a hot day in September, 1977. One hundred ninety-nine extraordinarily compulsive people. We, or at least I can safely say, most of us, wrote down everything. Even the jokes. Dean Pollak started with our first bit of law school humor—no more than half the class would finish in the top fifty percent . . . With all respect to Judge Pollak, he was wrong. As any interviewer can attest, at least eighty percent of *our* class is in the top half.

In looking back, all that happened in the first year blurs together. There were two sections, I remember, and everyone knew the names of five people. It just so happened that everyone knew the *same* five people. They had a slight tendency to say the most or, should I say, *everything* in class. The subjects, especially the first semester, also tend to blur together. All that remains is a series of unanswered questions: On the first day, Professor Frug asked, "Mr. Gibson, what were the facts of *Hawkins v. McGee*?" Later Professor Levin asked, "Mr. Gluck, is it *Terlizzi*?" Professor Capron always wanted to know, "Are you serious?" Kras wondered whether the judges were "idjots." We tried to answer but that did no good—it only brought more questions. But we stuck it out and finally got some answers.

As the first year progressed we also found that not all of us were taking identical courses. Professor Frug taught Contracts to those of us in Section A. Those in Section B also had a course called Contracts but it seemed to cover slightly different material—poultry law. You shouldn't worry, though, I've checked and *all* the bar review courses cover consideration. . . .

Exams were also quite different in law school. Some of us loved them so much we even took practice exams. Just like spring training. And Professor Lesnick, to break the monotony, gave us a *real* 24-hour take home exam. I wonder what he was doing that day, and night.

We managed to reach that first June and the hardest part was over. As we scattered across the country, we enjoyed the most hard-earned vacation imaginable. We had walked the gauntlet and survived. We even managed to maintain that peculiar genre of humor—legal comedy—over the summer. Early in our second year, several in the Class of 1980 decided that what the Law School really needed was an annual show. This, they thought, would go well with the wine and cheese parties, light operas, winter shows, kegs of beer and intramurals—all things which add much-needed fun to the law school environment. Although it wasn't in production for much more than two weeks, the First Annual Law Revue opened—and closed—to rave reviews. A tradition was born. We finally found out what really went on in an interview and what Jim Golden looks like in drag. This year's Law Revue showed us what Professor Spritzer dreams about; what cologne Professor Arnold uses; and what Dean Freedman looks like.





The ambitious spirit which the Class showed in founding the Law Revue was also manifested in more serious projects. Toward the end of our first year, a panic struck when we realized that after having twenty days to study three subjects in the fall, we were going to have five days to study five subjects in the spring. The first of many petitions was born. The faculty and administration, to their credit, reacted to the plea and we were given a ten day reading period. Their responsiveness was appreciated. The administration was also responsive to a less formal request made by the Class this year. A specific idea for the Placement Office to offer more positive help to students who wanted to pursue careers with small law firms or in the public interest was developed during a discussion at a party at Professor Goodman's house. Several people relayed the idea to the Placement Office and, I'm happy to report, though too late for us, Placement will publish lists of those employers who cannot come to campus. In addition, the office will perform services similar to those performed for the firms who do come to campus—including the centralized mailing of resués.

Our three years here also ended with a petition. Faced with a threat to the Penn Legal Assistance Office—a group of Faculty and students who perform legal services for indigents—several students mobilized the rest of the student body. The large student outcry was gratifying to those who care about the Law School and seems to have put the Clinic on sound financial footing for at least the next year. Although the threat is no longer imminent, we, as concerned Alumni, should try to keep watch and remain involved if possible. I hope the reaction of the student body retains its effectiveness.

As I have tried to show, the Administration, although it has not always agreed with student requests, always listens and, I think, carefully considers what we say. As Alumni we should take advantage of this and speak out when an important issue is raised at the Law School. It may even be that as Alumni our considered opinion will carry even greater weight.

During these past three years our Class, I

think, has developed a particular personality and character, in addition to a terrific sense of humor. Despite small, close groups of friends, a real sense of warmth, community and cooperation exists. This feeling for one another has been important, and I hope we can maintain it as we all set off to practice law. To the extent that separation makes the heart grow fonder, perhaps the feeling can continue to grow. Professor Sparer, whom many of us here deeply admire, recently characterized the Class of 1980 as the most socially-interested and intellectually-engaged class he has ever taught. Further, he thought this Class was the most socially and intellectually cooperative group of people he had ever encountered.

These personality traits were forged, I think in part, by the diversity of our Class. Although many of us came from the northeast section of the country, we assembled from twenty-six states. We are black, white, latino and asian-american—all with different viewpoints and visions. However, we often did not take full advantage of our differing perspectives and the student body, unfortunately, was sometimes fragmented. Although the divergent groups occasionally worked together to solve problems—both societal and personal—more interchange is needed in order to learn and benefit fully from each other.

The richness of the Class was also profoundly strengthened by the large number of people in the Class of 1980—over fifty percent—who came to the Law School after pursuing other careers as academics, homemakers, civic leaders, journalists, and at least one novelist. Their viewpoints, ideas, aspirations and, perhaps most importantly, their sense of perspective made law school more meaningful for the rest of us. Law school, as many of us here can attest, can be very intimidating, frightening and baffling, especially during the first year. As a person who has dutifully proceeded from kindergarten to law school graduation, it is very easy to measure self-worth in terms of grades earned on one's last set of exams. Those in the Class of 1980 who had the opportunity to experience life outside the walls of academia learned to cope with things far more



difficult than an unexpected or disappointing grade. The perspective which this knowledge gave them, I believe, strengthened many of us who lacked those experiences. For example, I was particularly touched by those men and women in our Class who raised families while studying and reading the casebooks. In fact, several of the women shouldered the burden of being both parents. Coping with these added responsibilities made reading a case pale by comparison. The maturity and strength they showed helped all of us through the last three years. For this, I thank all of our classmates who have a little difficulty remembering their *last* graduation. In addition, the maturity of our Class was heightened by the strength of character, tenacity and courage showed by Rhonda Weiss whose blindness proved to be no handicap. Rhonda we all salute you.

As we leave Penn, we will all have the opportunity to experience those things we have missed these last three years and hopefully fulfill some of the dreams we had as we entered law school. As a class we are spreading to over twenty-three states to work. Twenty percent of our Class will be working in New York, fifteen percent are in Washington and five percent are off to the west coast. Thirty percent have decided to stay in Philadelphia, while ten percent are travelling south to Dixie. The remaining twenty percent will be in other states in the Northeast and New England, Nevada, Ohio, Missouri, Illinois, Colorado and Utah.

Approximately sixty percent of the Class will be practicing in private law firms, mostly large, in major cities. Twenty percent will spend one or two years clerking for judges and fifteen percent will be working for the government or with public interest groups. Several in the Class have decided to work in private industry.

Before I finish I would like to say a few thank you's on behalf of the Class. First, I would like to thank Professor Jan Krasnowiecki—Kras, as he is affectionately known. Faced with the fact that a course which many people wanted to take was not being offered, Kras broke tradition and took upon himself the extremely difficult burden of teaching three full courses this semester. This exemplifies the dedication which Kras brings to

teaching. During our three years here, he has taught an unprecedented one hundred ninety-six members of our Class; and when counting those who took more than one course with him, Kras has had a total of four hundred thirty-five 1980 graduates in his classes. For all you have done, Kras, we thank you very much.

Although it is easier to be cynical and point out the faults in a non-perfect enterprise, I would like to express publicly the pride which I know I share with the entire Class of 1980 in being graduated from the University of Pennsylvania Law School. I think it met—and often surpassed—its superb reputation. Many thanks to the administration for their contribution to the tenor of the Law School and for their help and responsiveness, to the Faculty for their availability, help and often excellent teaching, and to the students *who made it all possible*.

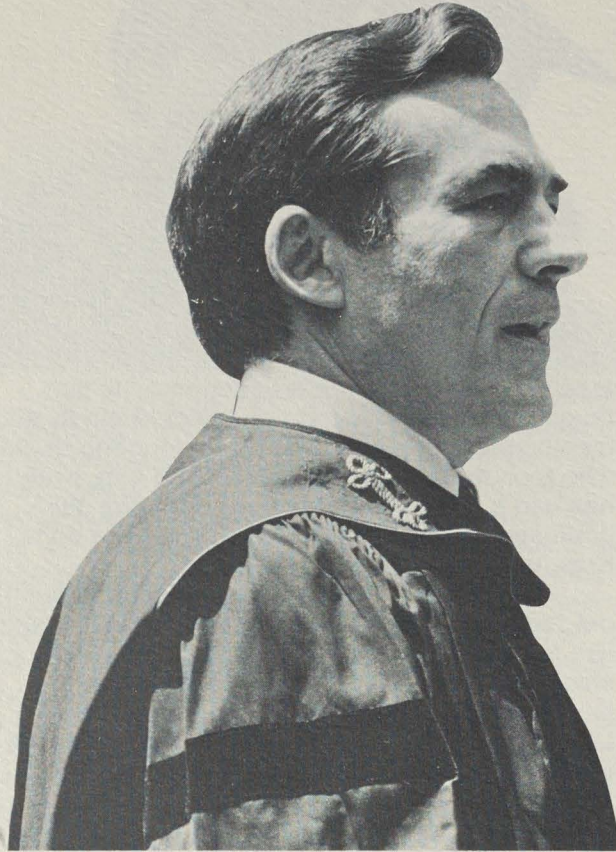
Following his speech, Rick D'Avino called to the rostrum former University of Pennsylvania Law School Dean, Judge Louis H. Pollak of the United States District Court, Eastern District of Pennsylvania. The Judge, who had a special relationship with 1980, was presented a diploma which read: "The University of Pennsylvania Law School Class of 1980 is proud to welcome Louis H. Pollak—friend, teacher, Dean—as an honorary member of the Class."

Sija van Mourik, representing the LL.M. students, shared the experiences of those who spent the 1979-80 year at Penn Law School engaged in graduate study.

Dean Freedman then presented the Honorary Fellowship of the Law School to Ambassador Jerome J. Shestack, the United States Representative to the United Nations Human Rights Commission. Ambassador Shestack's eloquent and moving response and charge to the Class of 1980 appears in this issue of The Journal.

The 1980 Harvey Levin Memorial Award for Teaching Excellence was presented to Professor Morris S. Arnold by Dean Freedman prior to the awarding of diplomas.

A reception honoring the 1980 graduates followed the commencement ceremony.



by Ambassador Jerome J. Shestack, United States Representative to the United Nations Human Rights Commission as presented to the Class of 1980 at Commencement exercises

You have reason to be joyful. And proud. You have travelled an arduous, sometimes even torturous path to reach this point. You have endured the angst of your first year in law school, which surely will remain vivid in memory, notwithstanding even the blurring of time and nostalgia. You have been peppered by acerbic tutors, salted with Socratic reasoning, spiced by the fierce competition of colleagues. And you have survived; appetites still fresh, honed intellectually, confident in your abilities and ambitions, anxious to conquer. Savor well this day. Like Goethe, we are tempted to say: "Oh moment, stay, thou art so fair."

But the moment cannot stay, or the world would end. And so you move on from the calm of your academic pond into the sea of the law's realpolitik. There is beauty in that sea, and richness. But pain and turmoil, too.

You will no longer deal with abstract issues and hypotheticals, with cases frozen in print, passionless and painless. Now you will be concerned with conflict between men and women

OF JOY AND PAIN IN OUR PROFESSION

involving the very stuff of their lives. It is an invidious business, as Llewellyn said, this shuffling, this gambling, this checkerplay with human rights. It is a troublesome business, this adversary system, to serve as the mouthpiece of the litigant who wins only as he tramples others down. Small wonder that the trampled do not love the lawyer. But neither do the winners. For often you will win not by affirming the justice of your cause, but through process and procedure and technique. Your clients may pay tribute to your success, but tribute of the kind one pays to the trickster or practitioner of the black art. Better than no tribute, perhaps, but painful still to be so often misunderstood.

To be unloved is perhaps not so bad if you know you have made the right choice. But if you are thoughtful and sensitive, you cannot even be confident of that. Often, you will be buffeted by conflicting cross currents, the hard choices between personal security and moral responsibility, knowledge and privacy, profit and public interest, victory and honor.

The long and short of it is that you have chosen a profession which will involve you in the antagonisms and ambiguities of human aspiration. It is not only choosing God over Caesar; often the question is which is which.

I have no answer to the moral dilemmas of our profession. It will be painful to wrestle with them. And it should be painful.

But if there is pain in the profession, there is also joy. Indeed, I believe more joy than pain. There are few callings in the world, Learned Hand once wrote, which give greater opportunity for satisfaction to one's self and which are of more benefit to one's fellows. I want to speak to you today of some of the joys. Joys which I have found. Which I hope you will find.

In your lifetime, you will have a thousand cases, perhaps more; some of them major, some trifling, most transitory. They will earn money for you. For some of you a great deal of money. And that will give you certain power and certain freedom. It is not a small matter.

But if affluence and power are all you seek and all you gain, I believe you will find little joy in your profession. It all depends on one's vision, but I believe the joy comes from being involved in the drama of humanity. I hope you will see that each case is warm with life, each strong with expectation, each involved in human aspiration. In

every case, there is a human struggle with all of its hope, its futility, its wonder, its grandeur. And in the background, pressing or elusive, heady or faint, but always present is the duty to justice. The melding of human concerns and the law, I think, is part of the worthwhileness and joy of our profession.

And it is joy, too, I believe, to work in a profession where there is a craft tradition, a tradition that the best in our profession understand and follow—that which is within the reach of all of us. What do I mean by a craft tradition? I mean a tradition of practice that elicits ideals and pride and responsibility. A tradition that relates beauty to function. A tradition that tries to shape our work with balance and precision, hewn to purpose. That rejects sloppiness and imperfection and flaw. A tradition that is conscious and sensitive; that understands that one apt word or phrase can clarify an issue, or avoid a calamity, or convert contention into consensus. A tradition which savors the deft touch, the jewel word, the fine tuning, the fell of rightness.

Few of us are artists; art takes genius and inspiration. But craftsmen you can be. You are prepared; you have served your apprenticeship among craftsmen in these halls. You know the standard-setting, restraint and self-discipline that comes with craft responsibility, the tempering that sets limits even upon the fierce desire to win. But you must work at it, work at your craft. Work at it even when it doesn't pay, precisely because you are craftsmen. Work at it though you are tired and bleary and bored, precisely because your sense of craftsmanship calls for it. And if you follow the craft tradition with its ideals, its pride, its responsibility, I believe you will find in it much pleasure and much satisfaction.

But the law offers even more. No other profession qualifies you better to partake in the joy of striving for the public good, for the public interest. It is that cause that I want to plead today above all.

There is, of course, the obligation of all of us as human beings to help our fellows, an obligation stemming from a common divinity and brotherhood, or from a simple sense of decency, or from the need to preserve a civilization, or perhaps from all of these. But my plea goes to you as lawyers, because you are lawyers.

We hear many exhortations to the bar to

become involved in *pro bono* causes. I suppose the exhortations are so intense because, unfortunately, the participation is so small. You law students, when interviewed, almost always talk about your interest in *pro bono* matters. But when you get into practice, I regret to say that many of you involve yourselves all too little.

You become consumed in the ardor of practice. Pressure stalks the practitioner. You get caught in the syndrome of success. You say, "Later, later—after I have made it, I'll really get involved in *pro bono* efforts."

But, "later" rarely comes. In my experience, the lawyer who becomes involved in the public good early remains involved; for those who defer it, the continuance is perpetual.

To defer, of course, is understandable. In the law, time and compensation are inexorably intertwined. Why should you, in particular, use up the one and sacrifice the other to become involved in public interest issues?

I have heard many answers. Some say that society confers on you a unique privilege to practice law; therefore, you should be willing to accept a unique responsibility to society. And the ethical codes of our profession so suggest.

Some say that from those to whom much is given, much is expected. You have special abilities; analytic skill, concept comprehension, dispute resolution. Society needs your talents.

Some say that if you fail to address the central and crucial issues of our society, you will become more circumscribed, confined to lesser roles and to lesser respect in our society.

Some say that to truly embrace a profession concerned with justice, you must commit yourself to the central problem of justice, to balance inequities and to redress injustice in the larger society.

All of this is true, indeed compelling. Yet, I would offer some further insights.

I have travelled with many lawyers along many *pro bono* paths, worked with them, made common cause with them. Some of the issues have been large, some small, some of our gains monumental, some incremental. Almost always I have found that those who work for the public interest feel it deeply satisfying, fulfilling and joyful. I share that experience. It is exciting to be involved in the overriding issues of our era, to wrestle with the moral dilemmas of our society, to further the goals of justice.

NONTRADITIONAL LIFESTYLES AND THE LAW

By Vice-Dean
Phyllis W. Beck

Consider for a moment what has been done in the past two decades alone. I have seen young lawyers go down to the South and desegregate schools, polling booths, buses, bathrooms, hospitals and hotels. In short, to begin to change a way of life. I have seen lawyers start a vast program of legal services for the poor, for those to whom the law had so long been a closed book, a stacked deck.

I have seen young lawyers reform the rules of mental institutions, obtain treatment for the untreated, and release those held without cause in the snakepits of our nation. I have seen lawyers change our consciousness of the environment and establish a whole jurisprudence of environmental law.

I have seen lawyers obtain release of political prisoners, reunify families across the Iron Curtain, and become deeply involved in the advancement of international human rights. I work daily with young lawyers who champion the cause of dissidents in the Soviet Union, the disappeared in Argentina, the banned in South Africa.

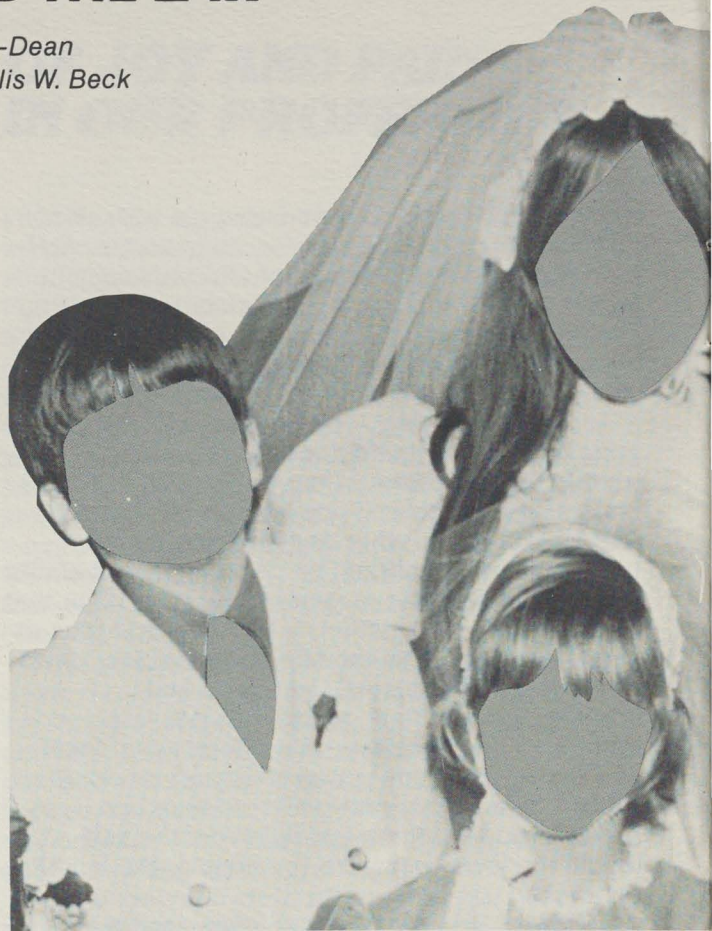
I don't pretend that the tasks have been accomplished. Too much remains undone; too few have been among the doers. Still, with all that is lacking, it has been a wondrous panorama. Storefront offices, public interest law firms, class actions, test cases, activist bar associations, in the public sector, in the private sector—all with lawyers involved in the life-giving task of our changing society.

In a society where so many are powerless, where lifetimes are spent in humdrum detail, where few can be actors in the enfolding spectacle, we, as lawyers, have a singular opportunity to contribute to society's needs, to make a limping legal structure work for justice, to revitalize old institutions to serve today's demands, to grow ourselves, to be part of the vital struggle for human dignity and worth. And to accomplish much. It is an exhilarating prospect.

Earlier, I quoted Goethe's phrase, "Oh moment, stay, thou art so fair." But, if I were you, I would not want a stay. Your horizon is full of challenge, full of promises to keep, full of the satisfactions and joys that come from sharing in the passions of our times.

Will you share the joy of that struggle? Will you be actors in that drama? Will you see so far as you may? Are you ready now? I leave you with one thought, again from Goethe. Near the end of his life, he said, "Let the young man take care what he asks in his youth, for in his age he shall have it."

I wish you well. I wish you joy.



Editor's Note:

Phyllis W. Beck, Vice-Dean of the University of Pennsylvania Law School published this article in *The Journal of Family Law, University of Louisville School of Law*, Volume 17, No. 4, 1978-79.

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Introduction

Current narcissistic wisdom suggests that an individual not get out of bed in the morning until he or she can think of five good things to say about him or herself. Two generations earlier, a friend's grandmother, also addressing the perception of the "self," advised differently. Don't get out of bed in the morning until you can think of three kind things to do for other people. The disparity in advice reflects a widespread, personal revolution: the turnabout from people receiving satisfaction from performing good deeds on behalf of others, to people still valuing good deeds, but convinced that those good deeds begin with themselves.

American society has undergone a fundamental shift in values and an accompanying change of attitudes. The value shift and attitudinal change are reflected in the acceptance of individuals' living together without being married,¹



the increased tolerance of children born out of wedlock, the demand for marriage partners of the same sex, and the fight for freedom of choice in reproductive matters.

The common thread running through these changes—these new cultural imperatives—is the primacy of individuality over the traditional social structure. Different lifestyles are developing and courts are responding to them. It is intriguing to speculate why judges who in the past tried, and in part succeeded, to limit their attention to nonpersonal, economic matters such as taxation, antitrust, and tort liability now tackle problems that are essentially personal. The outcome of their deliberation still has economic ramifications as did their earlier decisions, but the primary impact of their judgments is on our national personal fate and only tangentially on our national pocketbook.

The momentum for the judiciary's current responsiveness to cases involving personal lifestyles may derive from the civil rights movement of the previous decade. In the 1960's, our country was ripe for and responsive to the national outcry against racial discrimination. Ever larger numbers of people were touched by how poorly we treated certain groups of individuals. Why could minorities not get jobs? Why were their children not receiving a good education? Through the medium of thousands of civil rights cases, the

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courts gained familiarity with matters facing individuals who did not fit the mold of middle America. Following the demand for racial equality came demands for sexual egalitarianism. Interest in individual rights of the majority also grew. Individuals whose lifestyles reflected different values sought redress in the court to legitimize their personal way in life. It was therefore not too great a leap for the courts to shift from defending the rights of minorities to championing personal autonomy and individual lifestyles outside the accepted mainstream of middle class America.

The Sixties generation scrutinized traditionalism, found it flawed, and widened the option of personal choice for themselves. Many parents, including some of the influential elite, were forced to reexamine established mores. Not to do so meant creating a sharp, frequently unacceptable break with their children. In addition to joining the mounting opposition to the Vietnamese war, the older generation—led by the younger—accepted a panoply of lifestyles different from what they had experienced.

Marriage

Traditionally, American society beamed and bestowed its national blessing on marriage. It allowed the individual freedom to choose his or her most intimate domestic companion. It was accepted practice that intimacy would commence only with the legal contract of marriage.

Americans, for the most part, applauded romantic love and personal choice of mate. Unlike most of the rest of the world, marital alliances in America were not arranged for social, political, or economic reasons. American mores, however, did suggest two constraints on such domestic arrangements: marriage had to be between one male and one female; and, it was desirable that the marriage partner come from a background at least as good as one's own.

A very small percentage of people resisted the American tradition favoring marriage. A silent truce existed between society and certain unusual domestic affiliations. Laws were not rigorously enforced against homosexuals who preferred to live quietly together, nor against the poor or Bohemian groups for whom marriage was impossible or ideologically noxious. For many years the country took comfort from the appearance of national domestic harmony. To some, not scrutinizing the facts intently,

traditional marriage was mistaken for revealed order. The courts granted marriage and the family a unique and favored position in the law commensurate with their hallowed status in American society.

However, for the past decade, the arrangement of man, wife, and child within a legal framework has no longer been the only acceptable family structure.² It has become but one of many possible groupings. Theoretically, any number of men, women, and children may live together. The view has emerged that achieving satisfying intimacy in the home environment is less a result of formal legalistic family structure than of a mysterious, chimerical mixture of personality and character. Traditional social organization has been increasingly attacked in the courts.

A basic shift is reflected in the prevalence and acceptability of households resembling a legal marital arrangement in every way except for the legal imprimatur.³ The parties agree to live together for an indefinite period, to act as a unit for meeting each other's social, economic, psychological, and sexual needs and to hold themselves out to the world as a defined entity. The "marriage" is *de facto*.

Major legal problems lurk in this situation unless the couple lives in a jurisdiction which recognizes common law marriage. In such jurisdictions, the state probably considers the parties legally married, and the problems unique to *de facto* unions may not be germane;⁴ but, elsewhere hard questions must be answered. Does the status of a *de facto* spouse entitle the husband or wife to the same rights as the legal husband or wife? Before the Seventies, the answer was clearly no. The *de facto* spouse was not entitled to legal rights usually incident to marital status.⁵ As the number of unofficial liaisons grow, however, decisional law is developing which acknowledges that parties to *de facto* marriages may be entitled to property rights.⁶

The best known *de facto* union was between Lee Marvin and Michelle Marvin.⁷ They lived together for about six years. When their household arrangement terminated, she sued him for a share of the property acquired during their period together⁸ alleging that the couple had entered into an express contract to share the property and income accumulated by them during the cohabitation. Mr. Marvin defended against Michelle's claim. He denied the contract and argued that because he and Michelle never married, she had no claim against his property.⁹

As a matter of fact, Marvin had been married to another woman at the time he and Michelle set up housekeeping. Marvin's second and alternative line of attack relied not on Michelle's lack of status as his wife, but on the alleged contract. Mr. Marvin denied making an agreement; and, even if the court was persuaded that the parties had entered into a contract, he maintained it was unenforceable as against public policy. Marvin relied on the traditional view that the couple's relationship was immoral. He expected the court would not enforce an agreement based on unlawful (immoral) consideration.

The California Supreme Court made history when it declared that the parties may have entered into an enforceable contract.¹⁰ The court ruled that unmarried cohabitants could recover assets accumulated during their union if the claimant could prove a contractual or equitable foundation for his or her demand. The court, with justification, expressed concern that the consequences of its conclusion might undermine the legal foundations of marriage.¹¹ It therefore stressed a supportive position in favor of legal alliances and noted it was not changing California's established law relating to marriage and divorce. The court claimed its decision would not discourage marriage. On the contrary, the court hoped the ruling would encourage marriage. The California court reasoned that if it refused to grant relief to Michelle, the income producing partner would be encouraged to avoid marriage and retain the benefit of his or her accumulated earnings.¹² In other words, if the law forced the income producing partner to share his property with his or her mate, regardless of marital status, the financial incentive to remain single would be attenuated.¹³

Therefore, the California Supreme Court, in line with the 1970's shift in values, awards legal recognition to *de facto* unions even if only on a limited property basis. Whether such recognition devalues formal marriage is difficult to determine. An unarticulated—and even unwanted—consequence of its decision may be symbolic. The message the court may be telegraphing is that non-traditional alliances are now socially and legally supportable. The decision may not, as the court would like to think, encourage marriage. Cohabitants—especially Californians—now know that the terms of their living arrangement are negotiable and legally enforceable, and they may therefore contract with their partners to deny them the profits accumulated during the union. In

weighing individual values against broader social goals, the court has decided in favor of the individual.

The California decision also reflects a 1970's attitude toward sexual relationships outside of legal marriage, *i.e.*, an acknowledgment that sex is part of a total relationship and the presence of that aspect in a relationship does not make it meretricious or illegal. Ordinarily a contract based on a meretricious or illegal consideration is unenforceable.¹⁴ For example, a contract for payment to a prostitute is unenforceable because prostitution is illegal, and courts will not enforce a contract based on it. The Marvins' living arrangement included a sexual element. The lower court, echoing years and years of precedent, denied Michelle's contract argument because the consideration was predicated on a sexual relationship.¹⁵ The Supreme Court of California rejected that proposition. It noted that a contract that included sex—but whose foundation was not sex—was not meretricious and therefore enforceable.¹⁶

While living together may have started with the young, it has now spread to the middle and older aged community.¹⁷ The phenomenon reflects several factors: economic necessity,¹⁸ primacy of the individual over traditional social organization, and the weakening of society's disapproval of domestic arrangements other than legal marriage.

De facto unions among the middle and older aged groups may be numerous enough to constitute a trend which raises significant legal issues. For instance, a common provision in a divorce decree may provide payment of alimony until the recipient spouse remarries. A parallel provision in a will may provide periodic payment to the surviving spouse until he or she remarries. These situations demand a redefinition of marriage. Has a relationship developed that may be defined as marriage if the recipient or surviving spouse cohabits with a friend in a domestic arrangement they consider permanent, even though it has not been formalized?¹⁹

Hypothetically, if Michelle Marvin had been receiving alimony would the court have required her former husband to continue payment during the period she was living with Lee Marvin? An aggrieved divorced husband may come into court protesting alimony when his former wife has set up housekeeping with a male friend. He would rightly argue that he is being penalized because the couple's union is *de facto*. Furthermore, continuation of payment is contrary to his, and

perhaps his former wife's, expectations when the divorce decree was entered.²⁰ A similar scenario is played out vis-a-vis the surviving widow. The protestors this time are the potential legatees whose rights ripen upon the widow's remarriage.

Courts have had difficulty defining marriage or establishing criteria in a *de facto* union that gives rise to property interests associated with legal marriage.²¹ The Marvin court avoided the issue completely and laid the foundation for recovery on a contract or equity basis and not on the basis of entitlement derived from legal status. Most courts view marriage as a status achieved only after the couple has satisfied the requisite statutory procedures. In the majority of jurisdictions, the divorced spouse who lives with another partner continues to receive alimony and the widow or widower living with a new mate continues to receive periodic payments.

Illegitimacy

A companion and not unexpected problem is the rights of children born into *de facto* unions. Informal marriage,²² like other sexual liaisons, sometimes breeds children. Such a child has been referred to as illegitimate, "filius nullius" (nobody's child), and a child out of wedlock.²³

Providing financial support for children is one of society's central concerns. Natural parents, married or unmarried, are with rare exception responsible for their children's support. Courts and legislatures reinforce this sensible standard.²⁴ Until recently, state legislatures and courts have decided the fate of illegitimates and thereby influenced the community's attitude toward them. Beginning in the sixties, however, the United States Supreme Court reviewed a series of challenges to state laws which discriminated against illegitimates. The consequences of the Court's action is that fewer sins of the parents are now visited upon their children. The Court has somewhat, but by no means completely, blurred the distinction between legitimates and illegitimates.²⁵

In this line of cases the United States Supreme Court found unconstitutional several state statutes which discriminate against illegitimates. For example, the rights of illegitimates became coextensive with those of legitimates in recovering damages in wrongful death actions,²⁶ in collecting insurance proceeds as a beneficiary under a state's workman's compensation system,²⁷ and in asserting the right to support from the natural father.²⁸ In most of the

state statute cases, the United States Supreme Court asked two questions of illegitimates in instances where they found unequal treatment. Can illegitimates prove their lineal ties? And, if they can, are they entitled to equal treatment with their blood or half-blood siblings?

Progeny of an informal union are still afforded fewer rights than their legitimate counterparts. Unequal treatment of illegitimates triumphed recently when the Supreme Court upheld a New York statute which denied an illegitimate his right of inheritance on the same basis as a legitimate where the estate of his father was being distributed under the intestacy laws.²⁹

In addition to state legislation, a whole range of federal statutory benefits are problematic for illegitimates.³⁰ The United States Supreme Court still denies illegitimates certain benefits granted to legitimates. For example, an illegitimate is not entitled to admission preference under the Immigration and Nationality Acts of 1952;³¹ and, the Social Security Act is a mine field for illegitimates. The pattern under the Social Security Act requires a child to be dependent before he is entitled to certain death benefits through his father. As to legitimate children, the Act presumes dependency, but as to, illegitimates it does not. The Supreme Court, in a recent death benefits case, upheld this distinction as consistent with the equal protection guarantee.³² The Court found the distinction was a reasonable empirical judgment in line with the Act's design. It is apparently natural to presume dependency for the legitimate while it is not for the illegitimate.³³

Perhaps underlying state statutes and court decisions which deny full legal rights to illegitimates is the knowledge that every state provides some mechanism short of marriage for an out of wedlock child to be legitimized by legal action of the father. The legitimized child is legally the peer of legitimate children. While lawyers may be cognizant of these legal procedures, the poorer segment of society which produces a disproportionate number of the illegitimate population is not. Furthermore, even adult males who may be informed about legitimization procedures may be disinclined to cooperate. Legitimization of a child imposes upon them the obligation to support. While paternity is in doubt, the court cannot require the putative father to support.

Children out of wedlock may be the innocents who are damaged by the new life styles. The foundation of their lives—the intact family—may have softened as lifestyles tolerating greater individual autonomy have increased.

Homosexuality

Another segment of society trumpets an

individualistic solution to a unique problem. The homosexual community is seeking to make the American social structure more elastic. It is pressing for *de jure* recognition of marriage in which the two partners are of the same sex.

It is ironic that some males and females who possess legal capacity to marry one another resist *de jure* marriage in favor of living together, while some individuals of the same sex, whose legal capacity to marry one another is questionable, prefer *de jure* marriage to living together. The homosexual community's move toward legally sanctioned marriage between persons of the same sex has two goals: the psychological comfort and security of legally sanctioned domestic companionship, and the abolition of what it views as discriminatory laws.³⁴

According to newspaper accounts,³⁵ many thousands of homosexual couples have married. Communities such as Boulder, Colorado, were at one time issuing licenses, and ministers in local churches were solemnizing homosexual marriages. In other communities where clerks would not issue marriage licenses to two persons of the same sex, homosexual marriage was accomplished by one of the partners "passing" for an individual of the opposite sex.

The marriage licensing acts of most states do not expressly prohibit marriage between persons of the same sex.³⁶ The accepted assumption of the statute has traditionally been a male-female coupling. The legal challenges on behalf of homosexual marriages have attacked licensing statutes; but, so far, the attacks have failed. Where the issue has been adjudicated, the courts have interpreted the statutes to require application from an eligible female and male as a condition of licensure.³⁷

The legal status of homosexual couples who marry after obtaining a license is unclear. The status will be clarified in the future when the surviving spouse of a homosexual couple files for social security benefits, for example, and the claim is challenged on the basis of an invalid marriage. Or, the status may be clarified when a homosexual immigrant spouse petitions to remain in the United States on the grounds that he or she is legally married to a homosexual.

To balance the picture, it must be emphasized that sexually unorthodox lifestyles represent the preference of the minority, not the majority.³⁸ The minority, however, is articulate and organized. They press their social and legal position in an adversarial arena and force the courts and legislatures to rethink traditional views.

Contraception and Abortion

Reproductive freedom has, perhaps, been the most potent force to date in lifestyle changes and attitudinal shifts. The development and

popularization of "the pill" opened the gates to reproductive freedom and to legitimizing different lifestyles. Previously, the possibility of pregnancy narrowed the choice for many couples to *de jure* marriage. Sexual encounters, whether casual or part of *de facto* marriage, led to the risk of pregnancy. The non-married, pregnant woman was faced with consequences that were at best unpalatable. She could procure an illegal abortion, parent an illegitimate child, or marry.

In most states, birth control measures were legally available; in others, they were not. In those states in which birth control was available, it was acceptable for the man to buy protection at the corner drugstore or a vending machine in the men's room. It was not so easy for the unmarried woman. She had to overcome both personal and social inhibitions before going to a doctor to have a contraceptive device, usually a diaphragm, prescribed. Because of these constraints, her choice of lifestyle was limited to marriage or to living alone.

After the development and acceptance of the pill, one of society's rationales for limiting sex to marriage began to crumble. Women had incorporated moral codes which mandated that "nice" young girls do not engage in sexual activity outside of marriage. The burdens of an unwanted pregnancy were too severe. The pill dramatically reversed the moral code of "nice" young girls. It forced individuals, especially women, to make personal choices about their intimate affairs and living arrangements. In truth, society's prohibition against sexual activity before marriage was only partially dependent on the possibility of unwanted pregnancy. Another aspect of the rationale, a psychological one, escaped and still escapes most women. The prohibition against premature intimacy operated to retard the intensity of emotional involvement between young couples. It allowed couples time before they made serious emotional investments in one another.

Greater sexual freedom has thus been woven into our modern social fabric. What response has the law made? The first legal change was in the area of birth control and was made after the pill became widely available. The United States Supreme Court struck down restrictive statutes, such as those in Connecticut and Massachusetts, which prohibited the sale and use of birth control devices and the dissemination of birth control information.

The first birth control case reached the United States Supreme Court in 1965, and involved the Executive Director of Planned Parenthood in Connecticut and a professor at Yale Medical School as criminal defendants. They had been convicted of violating the Connecticut anti-birth control statute by prescribing and disseminating birth control information and devices. The convicted defendants carried their cause to the

United States Supreme Court in the now famous *Griswold v. Connecticut* case.³⁹ The Court found in favor of the defendants and struck down the restrictive birth control statutes as violative of the United States Constitution. Its decision carved out a zone of marital privacy in which the state may not impose undue burdens and restraints on the intimate aspects of a couple's life. The state's authority to regulate morality—a claim Connecticut made in support of its anti-contraception statute—remained unquestioned. However, the state must limit its control to constituencies that it has a legitimate right to control and must use reasonable means to control those constituencies. The Supreme Court of the United States declared that conduct engaged in by marital partners was not a legitimate target of control. At least as to birth control, marital unions were under a constitutionally guaranteed protection of privacy beyond the reach of state interference.

The next birth control issue was decided by the Court seven years later in *Eisenstadt v. Baird*.⁴⁰ Baird had been convicted in Massachusetts of violating a statute imposing criminal penalties for selling or giving away contraceptives to unmarried persons. Baird had given a lecture on birth control. At its conclusion, he gave a young unmarried woman a package of vaginal foam, apparently as a sample of one kind of contraceptive. He was arrested and subsequently was convicted by the Massachusetts state court. The United States Supreme Court found that Massachusetts violated the equal protection clause by forbidding access to contraceptives on the part of unmarried persons while making them available to married persons. The Court found that the criminal statute bore no rational relation to any conceivable legitimate state purpose. Again the Court emphasized the individual's right to privacy: "If the right of privacy means anything, it is the right of the *individual*, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or to beget a child."⁴¹

The right of access to birth control allowed women greater freedom in selecting a personal life style. That freedom was expanded when the Supreme Court sanctioned a limited right on the part of a woman to abortion.⁴² The Court's vindication of lifestyle freedoms in the reproductive area is reasoned and desirable. It provides individuals with greater freedom, while at the same time fostering concern for responsible parenthood. With the help of the abortion decisions, procreational freedom has developed rapidly over recent years. Certain procreational taboos, such as state criminal sanctions against adultery and incest, still exist, but these sanctions are sluggishly enforced and are essentially

meaningless. Rarely, if ever, is an individual prosecuted for violating them. The laws remain on the statute books as testimony to society's historical disapproval of certain behavior. The lack of enforcement underscores the fact that society no longer perceives the need to protect itself against such threats.

Conclusion

The current law reflects the evolution in traditional morality. Society is re-evaluating behavioral standards and social values. The law is serving several purposes: it is vindicating a changed set of behaviors for the community as a whole, while at the same time it is reinforcing approval of such behaviors for the individual. The law has yielded; in part it has enlarged its tolerance of different lifestyles.

Prohibitions have been eased against lifestyles that in prior times were considered unorthodox.⁴³ The result may be to disturb traditional order. Disturbing traditional order is always serious business and ought not to be too quickly labeled as progress. The changing concepts promote greater individual autonomy which, if carried to its ultimate conclusion, may become undesirable. Individual autonomy in its extreme may be antithetical to family integrity. It may be humane to encourage a freer attitude toward individuals who live in a broader fashion; but, it may not be humane to embed unexamined changes into the social fabric if to do so wounds the familial unit essential to social organization. The family serves a pivotal and comforting function in America. In its ideal, it is a "haven in a heartless world,"⁴⁴ protecting and educating the young and providing for an orderly transmission of societal values to them. For adults, the family provides emotional, social, and sexual satisfaction. Family structure is a source of society's strength.

The family may be in need of change but not abandonment. Will the law completely support the new cultural imperative which favors individuality over social and family structure? To a limited extent it has done so. It has recognized property rights outside of *de jure* marriage; it has increased its tolerance of illegitimate children; and, it has provided greater freedom to individuals in reproductive matters. So far, the law has drawn the line this side of homosexual marriage. While it is socially desirable for consenting adults to share maximum freedom, it is problematic whether it is desirable for the law to declare complete freedom as its credo.

PENNSYLVANIA DIVORCE REFORM: AN EXERCISE IN TURMOIL AND COMPROMISE

By Senator Michael A. O'Pake, '64



Editor's Note:
State Senator Michael A. O'Pake, '64, Chair of the Pennsylvania Senate Judiciary Committee, was the Democratic nominee for Pennsylvania's first elected Attorney General.

Senator O'Pake directed the Pennsylvania Senate in a long, arduous battle for divorce reform in the state—a battle which culminated in the passage, this past July, of the Pennsylvania Divorce Code of 1980. In the following article, Senator O'Pake recounts the history of divorce law in Pennsylvania, and describes the difficulties encountered when he undertook to battle the controversial issue of divorce reform in the state.

On July 1, 1980, Pennsylvania's new Divorce Code became effective. This represents the first comprehensive, substantive change in our State's divorce law in nearly two hundred years. The purpose of this article is to briefly outline the legislative history of divorce reform and to highlight the major changes which will be forthcoming as a result of the enactment.

Background

The first divorce code enacted in Pennsylvania, the Act of 1785,¹ contained the basic elements of the familiar "fault" system. The statute provided for divorce from the bonds of matrimony on the grounds of impotency, bigamy, adultery, desertion, or marriage on false rumor of death. A bed and board divorce could be obtained by a wife on the additional grounds of abandonment, cruel and barbarous treatment, or indignities to the person. The act also required that the spouse seeking the divorce be

innocent and injured.

The Act of 1785 was codified in 1815,² at which time the desertion period was reduced to two years and the grounds of cruel and barbarous treatment and indignities were added as grounds for divorce from bed and board for a husband as well as a wife. In the succeeding years there were a few minor adjustments and the divorce law was then recodified, without major substantive change, in 1929.³ The Divorce Law of 1929 had thus preserved the basic structure of the divorce law established in 1785, and remained in effect until 1980.⁴ Since the late 1950's, there have been many attempts in the General Assembly to update and change the antiquated divorce statute. In 1961, a Joint State Government Commission task force formally recognized the need for comprehensive change and proposed a new divorce code for Pennsylvania.⁵ The task force report provided the framework

for the numerous legislative proposals which were periodically reintroduced in the General Assembly throughout the 1960's and the early 1970's.

The only successful attempt at divorce reform culminated in a minor amendment to the divorce law in 1972.⁶ The provision added the new ground of insanity; however, the requirements were strict and few plaintiffs could obtain a divorce on this ground. The defendant must have been confined to a mental institution for at least three years prior to the filing of the divorce complaint with no reasonably foreseeable prospect of being discharged from inpatient care.

Pennsylvania had fallen well behind the tide of the rest of the nation. We were one of only three states⁷ that had not enacted a form of no-fault divorce and, in fact, Pennsylvania was the only state which did not provide for maintenance, alimony, or for equitable distribution of property after divorce.

The old divorce law did not recognize the reality that when a marriage deteriorated, usually both parties had contributed to its failure. If both parties were nearly equally at fault, so that neither could clearly be said to be the innocent and injured spouse, Pennsylvania would not grant the divorce. Incompatibility was clearly not a ground for divorce in Pennsylvania and many couples were forced to commit perjury in order to obtain a fault divorce.

In the opening months of the 1977 Session of the legislature, momentum began to build behind a no-fault divorce bill. But the bill stumbled in the Senate Judiciary Committee when the unilateral provision



was stripped from the bill leaving an emasculated mutual consent bill. That effectively scuttled the measure for 1977, as the General Assembly became involved in a nine-month embroilment over the proposed budget and tax hike.

The following year, 1978, was an election year and legislative leaders feared that a bill with moral implications would be political suicide, particularly after the emotion-packed reaction to the abortion debates. But in the fall of that year, the Governor's Commission for Women established a special task force consisting of representatives of all women's groups around the State, social service agencies, marriage counselors, religious denominations, the Pennsylvania Bar Association and other legal authorities. My staff served with them, and their enthusiastic and tireless efforts went into drafting a proposal which achieved a consensus of the various viewpoints.

On March 12, 1979, then Representative Tony Scirica, a Republican and ranking member of the House Judiciary Committee, and I, a Democrat and Chairman of the Senate Judiciary Committee, introduced an identical bill, simultaneously, in both the Senate and the House.⁸

Our legislative proposal contained four key elements: (1) no-fault grounds for divorce, (2) provisions for marital counseling, (3) equitable distribution of property, and (4) rehabilitative alimony.

As the debate took shape, it was the provision for a unilateral course of action that became the focus of controversy. In original form, House Bill 640 provided for a unilateral divorce after a one-year separation. Strenuous opposition spearheaded by the

Pennsylvania Catholic Conference jeopardized adoption of a comprehensive package. The PCC was a formidable hurdle. In the past, their opposition had been tantamount to defeat. The General Assembly has many Catholic members who fear that antagonizing the PCC could jeopardize their re-election. But without unilateral, there could be no real reform. Undoubtedly, there would be those people who would refuse mutual consent divorce until they had extorted every economic advantage from the other party. We would be opening a field of divorce by economic blackmail.

To obtain approval of a majority of House members, it was necessary to raise the requirement to a three-year separation period. The bill was also amended in the House to include marital misconduct as a factor to be considered by the court in awarding alimony.

The road through the Senate was slightly more difficult. Unilateral was stripped from the bill on a close vote in the Senate Judiciary Committee, with the remainder bill reported to the floor.

Attempts to restore the unilateral provision on the floor fell agonizingly short twice in one day. Time was drawing short, as the primary election recess was near. Then we modified our approach and introduced an amendment which would have allowed for unilateral no-fault divorce after a two-year separation, upon a court determination that the marriage is irretrievably broken. The two-year form failed; but we were successful at getting two votes to switch by inserting a

three-year provision. Opponents countered with a comparative fault amendment, which was defeated.

Almost one year to the day since it was introduced, House Bill 640 passed the Senate by a vote of forty-three to six. It was concurred in by the House and signed by the Governor.

Rarely does the legislative process function in such a textbook manner, involving input from professionals, strong lobbying on both sides of the issue, and tremendous public interest. No legislation in recent memory received such a dramatic and emotional response from the people of Pennsylvania. My office received literally thousands of letters and telephone calls from concerned citizens. Most were not form letters or postcards which are typically sent to legislators. Instead, they dealt with personal experiences and personal viewpoints. They also demonstrated a higher-than-usual awareness of the elements in the Bill and the progress of the debate.

Part of the credit must go to the news media, particularly the major newspapers. News articles and feature stories helped state residents to understand the rudimentary elements of a complex bill, keeping them informed of the progress of the debate, the key legislators on both sides of the issue, and the strategy and points of contention.

Major papers consistently and vociferously urged passage of a divorce reform bill containing the four major provisions listed earlier. They ran a series of lengthy, well-reasoned editorials focusing on the needs of Pennsylvanians and advocating support for unilateral no-fault. Their efforts

had the dual effect of keeping the readers informed and motivating legislators to keep their noses to the grindstone. This type of support certainly played a significant role in our success.

That, in a capsule form, is the history of divorce reform. I would now like to highlight the major areas of substantive change contained in the new law. I have already referred to the four key elements.

No-Fault Divorce

First, we have added two new no-fault grounds for divorce. The "mutual consent" no-fault ground provides the court with the power to grant a divorce when (1) a complaint has been filed alleging that the marriage is irretrievably broken; (2) ninety days have elapsed from the filing of the complaint; and (3) affidavits have been filed evidencing that each party consents to the divorce.⁹

Under the "unilateral" no-fault grounds,¹⁰ one party must file a complaint and an affidavit alleging that the parties have lived separate and apart for three years, and that the marriage is irretrievably broken.¹¹ If the other spouse does not deny the allegations in the affidavit, the divorce may be granted.¹² If the respondent denies any of the allegations, the court may grant a divorce after a hearing at which it determines that there has been a three-year separation and that the marriage is irretrievably broken.¹³

However, if the court would determine that there is a reasonable prospect of reconciliation, counseling may be ordered for a period ranging from 90 to 120 days. After the expiration of the counseling period, the court must determine whether or not the marriage is irretrievably broken, and grant or deny the divorce accordingly.¹⁴

The Divorce Code of 1980 preserved the traditional fault grounds by reenacting them either as grounds for divorce or as grounds for annulment, with a few relatively minor changes.

Property Division

Perhaps the most significant revision effected by the Divorce Code of 1980 is the section spelling out equitable distribution of property. Surprisingly, there was not a great deal of discussion or controversy over this area during the debate, despite its profound impact.

Prior Pennsylvania statutory and common law divided property according to title. Under the new Code, the court is to distribute the marital property without regard to whether the title is held individually or in some form of co-ownership,¹⁵ and in such proportion as the court deems just.¹⁶

Both parties are required to submit an inventory and appraisal of all property owned at the time the action was commenced.¹⁷ The court then determines what is "marital property" and, therefore, what is subject to distribution. Marital property is defined as all property acquired during the marriage, with several exceptions, including gifts, inheritances, and veterans' benefits.¹⁸

After identifying the marital property, the court must divide the property equitably according

to the list of ten factors, including the length of the marriage; sources of income and employability of each party; the contributions of each of the parties to the marriage, including a spouse's contribution as a homemaker; and the comparative needs and economic circumstances of the parties at the time of the divorce or annulment. Marital misconduct is not to be considered.¹⁹

The presumption should not be made that every division will be 50-50. It is quite possible that a division might be 60-40 or 80-20, depending on the circumstances. And, in an order distributing marital property, the court is required to set forth the reasons for the distribution ordered.²⁰

Alimony

An important adjunct is the creation of alimony. Under prior law, there was payment of spousal support only during the term of the marriage. There was no provision for alimony after divorce and the dependent spouse was left on his or her own. The new law empowers the court to grant alimony if one spouse lacks sufficient property and appropriate employment to support himself or herself.²¹

In determining whether alimony is necessary and, in determining the nature, amount, duration, and manner of payment, the court must consider a lengthy list of factors.²² The criteria include the relative earnings and earning capacity of the parties; the age, physical, mental and emotional conditions of the parties; the education and retirement benefits of the parties; a spouse's contribution as a homemaker; and the standard of living of the parties during the marriage. Marital misconduct, which is not a factor in dividing property, is a factor in determining alimony.

The alimony provided under the Divorce Code of 1980 is not intended to be a permanent award, except in special cases. Rather, it is intended to promote the economic rehabilitation of the dependent spouse. The duration of an alimony award is limited to a reasonable period of time for allowing the party to obtain appropriate employment or develop an appropriate employable skill.²³

In addition, alimony can be modified or terminated based upon changed circumstances. And remarriage of the recipient party terminates the alimony award.²⁴ Furthermore, cohabitation with a person of the opposite sex, who is not a member of the petitioner's immediate family within the degrees of consanguinity, terminates the person's right to receive alimony.²⁵

As with the division of property, the court is required to state reasons for its denial or award of alimony.²⁶

Marital Counseling

The Divorce Code of 1980 provides for marriage counseling where a divorce is sought on the grounds of indignities,²⁷ mutual consent no-fault,²⁸ or unilateral no-fault.²⁹ The court is given the responsibility of notifying the parties of the availability of counseling, and either party may request the court to order counseling. Upon such a request, the court must order up to a maximum of three counseling sessions.³⁰ In addition, the court has the ability to order counseling in a unilateral divorce where there are any children of the marriage

under age 16.³¹ The court must provide the parties with a list of qualified professionals, but the choice of the counselor is left to the parties,³² and they are not restricted to the list supplied by the court.³³ The counselor is required to make a report stating that the parties did or did not attend the sessions.³⁴

Conclusion

As with any major legislation revising a complex area of the law, at this point, we can only be sure of what the language is in the Divorce Code of 1980 and what the legislative intent is.

For the purpose of implementing the new Law, the courts were given the authority to adopt rules and practices.³⁵ The rules of court, together with the directives which will be issued by the Supreme Court amending the Rules of Civil Procedures, will have a tremendous impact on how the Law is applied.

The Code also contains some gray areas and unanswered questions which will undoubtedly require years of court decisions to attain clarity.

But I think few people will disagree with the assessment that the initial turmoil and difficulty were a small price to pay for a modern divorce code. It took a very long time to bring about the reality, and there may have to be some adjustments made down the road, if experience points up some shortcomings. But we are at an advantage because the bill was comprehensive and brought about all the changes we were seeking. Other states had encountered vexing problems because they did it on a piecemeal basis, and the

process did not function effectively without all of its parts.

Finally, I think we must appreciate that the new Code is a very flexible instrument, with an ability to be shaped to meet our various needs. The input and technical expertise of the members of the Pennsylvania Bar will play a key role in determining how the Law will be applied. I am confident that, as we move along, we will continue to have what many commentators have called the best divorce code in the nation.

¹² Smith's Laws 343.

² Act of March 13, 1815, P.L. 150.

³ Act of May 2, 1929, P.L. 1237, 23 P.S. §1, et seq.

⁴ Act 26 of 1980 §801 (a), effective July 1, 1980 repeals absolutely The Divorce Law of 1929.

⁵ Joint State Government Commission, Proposed Marriage and Divorce Codes for Pennsylvania, June, 1961.

⁶ 23 P.S. §10.

⁷ The other states are Illinois and South Dakota.

⁸ H.B. 640 (1979), and S.B. 450 (1979).

⁹ Act 26 of 1980 §201 (c).

¹⁰ Id. §201 (d).

¹¹ Id. §201 (d) (1).

¹² Id. §201 (d) (1) (i).

¹³ Id. §201 (d) (1) (ii).

¹⁴ Id. §201 (d) (2).

¹⁵ Id. §401 (f).

¹⁶ Id. §401 (d).

¹⁷ Id. §403 (b).

¹⁸ Id. §401 (e).

¹⁹ Id. §401 (d).

²⁰ Id. §404.

²¹ Id. §501 (a).

²² Id. §501 (b).

²³ Id. §501 (c).

²⁴ Id. §501 (e).

²⁵ Id. §507.

²⁶ Id. §501 (d).

²⁷ Id. §202 (b).

²⁸ Id. §202 (c).

²⁹ Id. §202 (d).

³⁰ Id. §202 (a), (b) and (c).

³¹ Id. §202 (c).

³² Id. §202 (d).

³³ Id. §202 (e).

³⁴ Id. §202 (f).

³⁵ Id. §604.

a pennsylvania lawyer looks at china

By Senator Franklin L. Kury, '61

Editor's Note:

Franklin L. Kury was a State Senator for Pennsylvania's Twenty-seventh District. In the spring of 1979, the Senator and his wife, Elizabeth Heazlett Kury, who is also his law partner, travelled to China.

What follows are Senator Kury's observations and experiences from this trip which were originally presented to the International Law Committee of the Allegheny, Pennsylvania Bar Association in Pittsburgh.

Establishment of diplomatic relations with the People's Republic of China January 1, 1979 has lifted the curtain of isolation from the oldest continuous civilization and the largest national force on the earth. Having long been interested in China, I felt particularly fortunate to have visited there in the spring of 1979. That trip has evoked a number of observations that may be of interest to lawyers, particularly those who have clients who may want to do business there.

My single, strongest impression of China is its desire to modernize economically. Our Chinese hosts were surprising in their frequent admissions of economic "backwardness" and the need for "modernization." They appeared to be determined to improve their economic conditions. New construction and re-construction was going on everywhere we went. The streets and public buildings are adorned with billboards and posters urging economic development as high patriotic duty. Visitors leave China with no doubt that the single, strongest factor motivating the Chinese government and its people is the desire to have what they call "Four Modernizations by the Year 2000—Agriculture, Science, Industry and Defense."

Their drive for economic modernization creates an opportunity for American businesses in China, as well as for American lawyers who represent these businesses. However, these business and legal opportunities can be consummated only by understanding the realities of doing business in China. In fact, doing business there may be quite difficult. In analyzing these opportunities, there are a number of factors which must be appreciated.

While the Chinese want modernization, they want it under socialism as articulated by their communist party leadership. As Deng Xiaoping said recently,



Senator and Mrs. Kury in the Forbidden City, Peking

The great future of the Chinese people is connected closely with the great future of the socialist system. Only socialism can save China. . .

The Chinese government is quite forward in promoting its national self-interest. Everything that happens or they permit to happen is determined by that self-interest. While the Chinese proclaim socialism as their governmental system, they have no hesitancy in seeking help from foreign capitalist business enterprises.

The re-emergence of a legal system in China is a case in point. They need a legal system to attract foreign investors, investment which is desperately needed in order to modernize. As Ross Terrill recently observed,

Without foreign knowhow, if not foreign investment, China's riches will remain essentially beyond the reach of this generation. With them, China could have a fantastic mineral boom before the year 2000.

The new joint venture code, adopted July 1, 1979, is a result of this concern, but also shows the self-interest and pragmatism of the Chinese.

Under the "Joint Ventures Using Chinese and Foreign Investment Law," a joint venture between foreign enterprises and the Chinese may be incorporated after it is approved by the newly-created Foreign Investment Commission. It must be assumed that the Chinese government, through the Foreign Investment Commission, is going to scrutinize joint ventures to insure that they are consistent with China's modernization plans. Once the joint venture is approved by the Commission, it is licensed by the General Administration for Industry and Commerce of the Chinese government and all of its activities are



The billboard in Shanghai proclaims the Chinese national goal—"Modernization by the Year 2000".

governed by Chinese law. It is thus fairly evident that the Chinese government is going to be careful to insure that all economic activities are for its benefit and that nothing which is contrary to its goals will be permitted.

The pragmatic aspect of the joint venture code is in the number of important provisions which are left vague and subject to negotiation between the parties. (The entire code is nebulous by American legal standards—it's only two pages long!) For example, the code does not say whether the foreign enterprise can own a controlling interest in the joint venture. On a related point, the law is not clear as to whether the chief executive officer must be Chinese or may be a foreigner. Both of these items appear to be open to negotiation and subject to approval by the Chinese government.

My impression of the joint venture code is that it opens the door, somewhat narrowly, for investment that will assist the Chinese in reaching their economic goals. To get inside the door, the American enterprise will have to be as pragmatic and flexible as the Chinese are. Once the joint venture is established and so long as its activities are consistent with their objectives, the venture will receive the support and approval of the Chinese government.

Those desiring to do business in China must realize that foreign business entry is by invitation only. If the foreign business project fits into the government's modernization goals, it has a good chance of being invited. If the project does not fit into such goals, there will be no invitation. This party is by invitation only!

Foreign businesses gain entry by submitting proposals to the appropriate Chinese government trade corporation and then waiting to be invited. The old slogan "Don't call us, we'll call you" is completely applicable. Having sent a proposal to China, your client must be prepared to wait patiently for a response. If an invitation to discuss the project is received, your client must be prepared to negotiate for protracted periods in China. As a Danish shipbuilder told me in Hangchow, negotiations with Chinese are slow and tedious. They cannot be hurried. You must be prepared to wait and wait and wait!

There is substantial profit to be had by foreign businesses in China, but there is also substantial risk. The case of a Pennsylvania business I am familiar with illustrates the point. This company is seeking to build a bituminous processing plant worth \$50 million. The company has been working on this project since 1973. It

has spent approximately \$250,000 so far to pursue the project. Several of its top executives and engineers have spent 70 days in China negotiating, mostly in technological terms. Everything is agreed upon but the price and the starting date. The company is now waiting to be called back to China to resolve these two issues, hoping that this will be sometime in early 1980. The "bottom line" is this: If the project is consummated, the company will, by this one project, get a full year and a half's business in dollar volume. If the project falls through, the company loses its "up front" expenditures of \$250,000 and 70 days of executive talent time. Businesses, therefore, should not consider trying for China business unless they can afford such "up front" risks.

While the larger multi-national businesses have obvious advantages in seeking China business, smaller firms should not necessarily take themselves out of contention. Smaller business should, I suggest, consider utilizing the services of trading companies or representative sales agents who do regular business in China. Such firms can provide the least expensive contact because they already have contacts there for a number of clients.

The fact that China is an economically undeveloped country of a billion population does not mean that there is a ready market for modern American machinery. This was very well illustrated in agricultural machinery. At the Canton Trade Fair, which I visited, the Chinese display products they manufacture. The Canton Trade Fair this year showed a number of modern agricultural tractors, cultivators and other farm implements, all of them for export. Yet, I found no such equipment in any of the fields although I travelled many miles by rail and bus through the countryside. All I ever saw were teams of people plowing, cultivating and working the fields by hand or with a water buffalo. The only piece of agricultural equipment I found was a two-wheel roto-tiller with an engine that can be harnessed to a portable irrigation pump.

Why do they proudly display the modern equipment at the Canton Trade Fair but fail to utilize it in their fields? If modern equipment were used in the fields, there would be no place to put the thousands and perhaps millions of farm hands who would be put out of work by the modern equipment. (This problem is not unheard of in America.)

The Chinese legal system is in a fledgling state. They have no legal experience which in any way resembles our own. First, there is no private

enterprise to speak of and, therefore, there is no need for attorneys. Secondly, the Chinese system for dealing with private rights and wrongs is basically without lawyers and is done at the community level. Criminal prosecutions are brought only after a thorough investigation and the subsequent trials are not of an adversary nature. Rather, the individual is expected to confess and to show his contribution and then rehabilitate himself by proper labor and study. With this kind of legal tradition, it is easy to see why there are no lawyers practicing in China.

The constitutional system established by the Chinese Constitution is also substantially different from our own. The chasm separating the Chinese constitutional system and ours is illustrated by Chapter Three of their Constitution, adopted in 1978, which is entitled "The Fundamental Rights and Duties of Citizens" (emphasis added). Article Fifty-Six provides,

Citizens must support the leadership of the Communist Party of China, support the socialist system, safeguard the unification of the motherland and the unity of all nationalities. . .

It is my impression that there is freedom of speech only to the extent that Chinese may debate how best to implement the national goals. This freedom of speech does not extend very far. It does not extend to questioning those national goals or the leaders who articulate them. The criminal code contains a broad definition of counter-revolutionary offenses—anything that suggests the overthrow of the Socialist System or the Communist Party. Being charged as a counter-revolutionary is the most serious criminal offense.

The Chinese government has, however, adopted criminal and criminal procedures codes to encourage the talented people whose active participation it must have if it is to progress economically. These people might be reluctant to participate in the modernization if they believe they were subject to the same kind of terror that prevailed during the so-called Cultural Revolution under the now deposed "Gang of Four."

As Jerome Alan Cohen wrote,

So long as fear of arbitrary action persists . . . one cannot expect officials to take bold initiatives, scientists to innovate, teachers to present new ideas and workers to criticize the bureaucracy.

In spite of the new legal codes, there is

probably little important work for American lawyers in direct contact with the Chinese. It was told they do not like to deal with foreign attorneys, but, prefer to deal with their clients directly. This does not mean that knowledgeable American attorneys will be without important work to do in China. There are a small number of American lawyers who have such work. It means that the work will probably be more business than legal in nature.

Pure legal work, however, cannot be ignored. For example, Chinese contracts with foreign businesses, I am told, usually contain an arbitration clause, even though the Chinese say they don't like arbitration and will resolve any problems by "amicable mutual discussion." The arbitration clause may call for arbitration in Stockholm or Geneva. The "catch" is that Sweden and Switzerland are two countries where the arbitrators use the law of the country in which the action arises, in this case the People's Republic of China!

It must be recognized that all westerners will have a difficult time really knowing what is going on in the Chinese government, even if they understand the language. A Chinese visiting Washington, D.C. who understands English can find in great detail what happens in the American government on a daily basis by reading the Washington newspapers or by turning on local television. In contrast, an American in Peking who understands Chinese may wait months before finding out important changes in the Chinese government. This is because the news media and any information about the government are tightly controlled.

Can you imagine a great official of the stature of a Secretary of Defense being killed in an airplane crash but his death being unreported for two years? Yet, that is apparently what happened to Lin Piao, a leading military figure who was involved in a plot to overthrow Mao Tse-tung. Business plans in China must, therefore, be based on the assumption that important changes can take place with little notice to foreigners.

There may be sudden changes of personnel in the Chinese leadership, but the governmental system appears to be well established.

The career of Deng Xiaoping proves how rapidly change can occur. He was twice purged by Mao but is now considered one of the strongest figures in the Chinese government.

The policy of their government may change as quickly as China's national interest changes. But the basic socialist government

system appears to be strong. Every impression I received is that the present governmental system has broad popular support. People are fed, clothed and provided with free health care; they have shelter and an opportunity for education. Indeed, all of these are spelled out as rights in the Chinese Constitution.

Businesses going to China must, therefore, accept the fact that they will be dealing with a Communist regime which has effective control over its population and that that control is going to continue for as far ahead as we can see.

There are two major obstacles to increased American business, and, concomitantly, increased law practice, involving China.

First, China wanted a "most favored nation" clause in the trade treaty with the United States. A representative of the Shanghai Foreign Policy Association told me that they wanted the same trading privileges that we gave other countries, that "we want to develop relations with the U.S.A. based on equality." President Carter submitted a China trade treaty with a "most favored nation" clause to the U.S. Senate which was granted by the United States on February 1, 1980.

The second obstacle is Taiwan, which enjoys substantial American investment and some political support. The People's Republic of China wants to be free to deal with Taiwan solely as an internal domestic matter. In fact, the preamble to the Chinese Constitution declares "Taiwan is China's sacred territory." This issue is still unresolved as far as we in the United States are concerned. (On October 30, 1979 the Pennsylvania Senate defeated by a vote of 15-32, Senate Resolution 210, which called for re-establishing formal governmental relations with Taiwan. Thirty-two other states, however, have approved similar resolutions.)

We must see China as it really is—a highly organized society, almost a national team of one billion people working towards modernization. It is a country governed by pragmatic, dedicated Communists who show amazing flexibility in pursuing their national self-interest. The overriding goal is massive economic development. The Chinese leaders want to do it their way, but they are more than willing to let capitalist business enterprises make a profit in helping them. China is, therefore, a country that offers substantial opportunities to those who approach it with knowledge of its realities and who deal with them on that basis. As citizens, and as lawyers serving clients, we must be completely pragmatic in dealing with the People's Republic of China.

Pennsylvania's "Maine" Campus

by Benjamin Franklin Professor
Louis B. Schwartz

Three hundred miles by road northeast of Boston, a hard day's drive from Philadelphia, one reaches the heart of Pennsylvania in Maine. Here, in the summers, one finds Law School Professors Haskins, Krasnowiecki and Schwartz, a somewhat incredible trio of "downeasters" Sparkling bays—Penobscot, Blue Hill, Frenchman's—slash northward from the easterly Atlantic shore between forest-clad peninsulas. On the peninsulas are story-book towns. In Castine, five great powers warred over fur trade and sovereignty in the Eighteenth Century, where now elegant summer "cottages" look out over islands and regattas. Stonington is a fisherman's port, the harbor rimmed with lobster pounds. It looks out on the Atlantic past islands whose quarries supplied the granite blocks for docks in Stonington and for monumental buildings in Washington. The rusting hoists and tackle still stand silhouetted at the rim of the workings. Blue Hill suns itself sedately at the foot of the mountain, white in church and clapboard mansion, green in expansive lawns, blue in yacht-dotted water. On Mt. Desert Island, town names like Northeast Harbor ("Philadelphia on the Rocks") and Seal Harbor evoke the aura of Rockefeller-rich. Bar Harbor still has its quota of baronial castles not visible from the tourist-crowded bazaars of Main Street. William Draper Lewis, Dean of the University of Pennsylvania Law School at the turn of the century and founder of the American Law Institute, which for many years had its headquarters in our Law School, had his "cottage" at Northeast Harbor. In those days of elegance, the officers and advisors of the American Law Institute would meet there to hear Professor Francis H. Bohlen and other Law School luminaries report on the Restatement of the Law.

So far as the current establishment of Penn law professors in Hancock County is concerned, George Haskins was a pioneer. George first came to Hancock as a small child when his father, Charles Homer Haskins, a world-famous professor of medieval history at Harvard, sought a quiet and inexpensive summer place where his family could get away from the city and could join the friendly academic conclave of people from such

universities as Brown, Harvard, Princeton, and Wisconsin, who made up the core of the old summer colony at Hancock Point. While the railroads ran, Hancock was an overnight trip from Boston, and the New Englanders at least set the pattern of hard intellectual work combined with outdoor life in the woods or on the water. As the next generation grew up, its members wanted places of their own, which explains why George originally acquired his four acres from a family friend "up the Bay" and built his house there. Later, about ten years ago, he bought the remains of an adjoining 40-acre used-up farm. Into it he has put a lot of physical energy to try to bring it back, through mowing and bush-cutting in the fields and pruning the small orchard. So far the "crops" are meager, except for apples and blue spruce, but he plans to fence for beef-cattle or sheep and to top-off an old cellar with a roof for use as a barn.

The compact four-room cottage which George designed and helped to build is secluded among maple, birch and spruce trees and looks out over roses and other wild flowers to the pointed firs along the salt water shore of the Bay towards the mountains of Mt. Desert Island. He brings with him Philadelphia suitcases of work—manuscripts, research drafts, books and the like—on each "commute" to or from Philadelphia, whether in the summer months or during the school year. It is here that he does most of his writing, on a schedule that includes interruptions for a quick swim in the 55° Atlantic water, for jogging on a dirt road or for the sporadic chores of the axe and the saw. His stays are not limited to summer months. In fact, much of his last sabbatical was spent here, working into December, with warmth supplied by a large fireplace and a wood-fired kitchen stove, to complete the text of his book (now in press) on the History of the Supreme Court under John Marshall.

When at Hancock, George is no recluse, even though he devotes long hours to writing. He is a member of the Maine Bar and the Maine and Hancock County Bar Associations, and he participates from time to time in the section activities of the latter, but has little time for practice. (There is a tale, told with some awe by

Professor "Kras"

Professor Haskins

Professor Schwartz



local people, of how not long ago he drew up a four-page contract in long-hand with detailed specifications and penalties for non-performance, "which, you won't believe, he actually got the parties to sign, notarize and put on record!") He has served by appointment of the Selectmen of the Town on more than one official committee, and he has helped to prepare and to write the official Town History 1828-1978, when the 150th anniversary of its founding was celebrated two years ago. Most of the people he sees are the year-round residents rather than the summer "rusticators." Hence, he is likely to turn up at town meetings, fire department suppers and the like. Since he has no boat of his own, and since local tides and currents are treacherous, he seldom goes out on the water, even though he has long had a lobster license. But, if need be, he takes the tiller of a friend's schooner in a bit of a blow and navigates by courses and buoys, as steamboat captains taught him when he was a boy.

If the Pennsylvania colony were simply a summer resort community, it might not be worth reporting. It is not. Jan Krasnowiecki and his family *live* in Brooklin year-round, so that he must "commute" to the Law School in Philadelphia during school term. Jan brings briefcases of work from Philadelphia but is more often preoccupied on weekends with the endless maintenance chores of a couple of old farmhouses and ten somewhat run-down acres of blueberry, woods, and hay. He has qualified as a member of the Maine bar. Sally was on the local school board and confounds the "from away" types when she appears after a day's rough toil on Ruppert's Christmas tree farm, ready to tend the pigs and chickens or to freeze fresh vegetables. The children grew up there. Son Mike, now in the Marines, was married at Blue Hill. Molly clerks at Merrill and Hinckley's general store. Young Sally waits on tables at the Sea Gull restaurant. The rest have tried their hands at blueberry raking, clamming, woodchopping. Jan and his mother exhibit their paintings at local art shows. The Krasnowieckis moved to Maine in 1972, after being won over by vacationing on Deer Isle.

The Schwartzes summered on Martha's Vineyard Island off of Massachusetts before becoming "Maineacs." Martha's Vineyard eventually seemed too suburban, too chic, too full of the standard mix of academics, lawyers, psychiatrists, and tennis players. One taste of rural Penobscot converted us. Here was country with its own identity and with an economy (lumbering, blueberries, the sea harvest, crafts, and, of course, real estate brokerage) other than tourism. The few passing cars bore Maine rather than out-of-state registration plates. People "from away" were slowly moving in, some having been for generations in the handsome towns; but they maintained a low profile, were vastly outnumbered

by natives and were on easy terms with them.

We built our house, Blueberry Hill, on fourteen acres of blueberries, woodland and hayfield on the shore of Salt Pond, an arm of Blue Hill Bay. Its unpainted spruce siding does not clash with the rural setting. A glass wall and deck, not seen from the highway, look out on ancient stone-walled pasture, salt water, wooded islands of the bay, and the mountains of Mt. Desert on the horizon. On Salt Pond also dwell a seal and an eagle.

The rhythm of our life is law, music, gardening, and baking. This past summer, I polished off a paper on Antitrust Law and Trading with State-Controlled [*i.e.*, communist] Economies. I also wrote a piece on reform of the federal criminal code, published in *The New Republic* of July 26. An analysis of alternative sentencing systems was carried through first draft. In addition, I worked on briefs in a New Jersey Supreme Court case involving antitrust issues.

Mimi has a spacious painting studio with the view described above. I practice Telemann, Bach, Handel and Mozart on the recorders. Gardening involves research and immense labor. One researches what fruits, vegetables, shrubs and perennials will survive the rugged but beautiful winters and mature before September classes. One digs deep beds in the rocky soil, stuffs them with rich compost (partly composed of algae gathered on the beaches), and edges them with large well-shaped stones dragged in from the field or nearby gravel pits. Chemical warfare is waged against bugs eager to get at the tomatoes, cauliflower, broccoli, peaches, cherries and apples. Brush must be kept down in blueberry fields and woods, entailing sweaty and wary relations with sputtering, malevolent chain saws and brush cutters. Raking blueberries commercially is generally a task for local or Canadian Indian crews. Gathering a few quarts of one's own is a lesson in patience and insect-repellants. Baking bread is the latest hobby.

Law is not the only Penn faculty represented in this region of Maine. Leonard Meyer, Benjamin Franklin Professor of Music and Culture, summers at Manset on Mt. Desert. Neil Welliver, head of the painting department of the Graduate School of Fine Arts, lives and works at Lincoln Center on the west side of Penobscot, in an ancient hand-crafted farmhouse deep in the woods. University Archivist Jim Dallett can practically step from his cottage on the shore of Naskeag Point at the bottom of Eggemoggin Reach out into islands bearing names like Devil's Head and Smutty Nose. Caleb Foote, Alumnus and former Penn law professor now at Berkeley, shares a family cottage at Southwest Harbor.

But why am I raving so? We don't want you to come to Hancock County, Dear Readers. We like it just as it is.

THE QUESTIONNAIRE: RESULTS AND COMMENTS

By Associate Dean and Professor
Robert A. Gorman

In October 1979, a detailed questionnaire was distributed to all living Alumni of the Law School. They were asked about their present work, their reasons for coming to the Law School, an appraisal of their legal education, their suggestions for improvement, and a number of other matters. The response to the questionnaire was unexpectedly high and was extremely gratifying (some 1400 responses were received from the some 6000 questionnaires mailed). We can now begin to develop some systematic insights into the kind and the quality of the educational experience offered at the Law School over the past few decades. Although many responses were received from Alumni who attended the Law School during or before the Second World War (the earliest years represented are 1908, 1914, and 1917), 87% were received from Alumni since the Class of 1946, and 80% since the Class of 1950. Two-thirds of the responses came from Alumni attending the Law School since 1959, and those are divided rather equally between Alumni of the 1960s and Alumni of the 1970s. Because of the number of responses from Alumni of those two decades and because of their relative proximity in time to the Law School of today, those responses will be of particular relevance to an appraisal of the current school; but the views of all of our Alumni are being tabulated and will be reported in due course. At the moment, there has been little opportunity to break down the data from the questionnaires into small time units, and the figures that are recounted below are drawn from the total number of responses. In spite of their "grossness," they tell us much of interest about our Alumni and our Law School, and they suggest the kind of useful information the questionnaire has unearthed, with even more useful information forthcoming in later stages of the project.

Alumni were asked to indicate the kind of full-time work in which they are currently engaged. Not surprisingly, the largest proportion of Alumni by far (67.7%) were engaged in the "private practice of law." 8.2% are working with a government agency; and 7.8% are employed in a corporate legal department. 4.2% of the

responding Alumni are engaged in non-legal work, either in business or with the government; and nearly 3% are teachers (2.1% in legal education, and 0.5% in other kinds of education). Only 1.7% of the respondents identified themselves as engaged full-time in "public interest law" (of course, that does not reflect the number of Alumni doing that kind of work on a part-time or *pro bono* basis); and 0.9% are serving judicial clerkships. In short, while our Alumni are engaged in varying occupations, three-quarters work full time in the servicing of private clients (the 67.7% in private practice plus the 7.8% in corporate legal departments).

That statistic, of course, masks the many different kinds of legal work done for those private clients. Another set of questions made clear was that the great bulk of our Alumni devote a "significant portion" of their time (i.e., 25% or more) to a number of practice specialties. Perhaps surprisingly, the largest group (37.8%) are significantly engaged in litigation. 24.5% of the respondents stated that they devoted a significant portion of their time to corporate work (the 9% who made the same statement about securities work presumably included themselves within the corporate category as well). 21.5% said the same for their work in the real estate field (also presumably included in this category are the 6.9% claiming to do significant work in the "property" area). Closely behind and in nearly equal proportions are those who devote a significant portion of their time to commercial law (17%, presumably including the 3.1% specializing in bankruptcy) and those who specialize in trusts and estates (16.9%, presumably including the 13.3% who also mentioned probate work). That these figures add up to more than 100% simply means that many respondents regard themselves as specialists in more than one field; most obviously, for example, the person significantly engaged in personal-injury litigation would so indicate under both substantive categories, as would the person devoting half of his time to corporate work and the other half to trusts and estates.

Roughly 10% of the respondents stated that they devote a significant portion of their time to the following fields: administrative law (12.1%), taxation (11.5%), personal injury (11.4% perhaps overlapping somewhat with the 4.9% mentioning the medical-legal area), family law (9.5%), securities (9%), and criminal law (8.9%). If it is proper to extrapolate from these figures so as to include all of the Alumni who did not respond to the questionnaire (there is no way to know what characteristics distinguish those who did not answer the questionnaire from those who did, but on this particular question a direct extrapolation will probably not go too far wrong), it can be said that somewhere between 500 and 700 of our

Alumni devote a significant portion of their time to the six fields just mentioned. Roughly half that number would be specializing in the following fields: antitrust (6.9%), property (6.9%, in this somewhat vague category), municipal law (6.6%), labor (5.6%), medical-legal (4.9%), and insurance (4.5%). Other specialties mentioned ran from legislative work (3.8%) through international law, bankruptcy, civil liberties, environmental law, utilities, patent, trademark, copyright, workman's compensation, welfare, oil and gas, admiralty, and military law (0.4%, or 5 respondents).

It will be interesting to compare these statistics to those for the American bar generally and, if available, to those for Alumni from other designated law schools. It is likely that with minor percentage differences, the profile of our Alumni—with its heavy emphasis on litigation, corporations, real estate, commercial law, and trusts and estates—is typical. (The somewhat fewer persons specializing in such fields as personal injury, family law and criminal law may be lower than the national average.) The Law School exposes all of our students to these subjects, in part through required first-year courses and in part through heavily subscribed upper-level elective courses.

It is questionable, however, whether any other conclusions should be drawn from these statistics in designing our curriculum, other than that advanced courses should be regularly available in these fields into which so many of our students will ultimately travel. To require, for example, that more intensive work be done in all of these "major" fields by all of our students may have the dual deficiency of forcing too many of our students—having diverse interests and diverse career tracks in mind—into an uncomfortable common mold, thus requiring the mastery of substantive particulars which are quickly forgotten or soon obsolescent.

Somewhat more tantalizing, in pursuing curricular implications, are the figures regarding the legal skills "utilized in significant degree" by our Alumni: counseling clients (67.5%), drafting legal instruments and documents (62.2%), negotiation (61.7%), litigation (47.2%), research (42.1%), memorandum writing (34.7%), and administrative proceedings (22.8%). (Further analysis of the data will match up subject-matter specialties with particular legal skills.) The high figure for client counseling corresponds, of course, to the high proportion of our Alumni who are engaged in the private practice of law or who work in a corporate legal department. Interestingly, only 34.2% of the respondents (answering a later question in the questionnaire) said that the Law School should give "great emphasis" to instruction in counseling and interviewing (although another 32.9% stated that these subjects should be given "some emphasis").

The tasks of drafting documents and of negotiating cut across most substantive fields of law, so it is not surprising that nearly two-thirds of the respondents claimed they devote a significant amount of time to them. If one combines the 47.2% who devote significant time to litigating and the 22.8% who devote significant time to administrative proceedings—and if one discounts a bit for the possible overlap and for the possibility that some of the time of these respondents is devoted to litigative-negotiating rather than to "true" litigation—between 50% and 60% of the respondents significantly employ litigative skills, either before a judge and jury or before an administrative agency (although it should be noted that only 37.8% of the respondents said that they devoted 25% or more of their time to litigation). Although the skills of research and memorandum writing are given great attention in the Law School—and in American law schools generally—it is interesting that discernibly fewer respondents mentioned these as skills significantly utilized in their work than the skills of counseling, drafting, negotiating and litigating (more commonly slighted in American law schools); 42% and 35% mentioning those two "academic" skills is, however, by no mean insignificant.

So much, for the moment, for the professional profile of our Alumni. Their general feelings about the Law School and their overall appraisal of their legal education are also interesting to recount. For example—allowing again for multiple answers—61.3% remember the Law School with respect, 53.5% with pride, 53.2% with appreciation, and as many as 38.7% remember it with affection. (To me, that last statistic is especially noteworthy, given the extent to which an institution can be impersonal and a professional education can be trying if not occasionally demoralizing.) Not surprisingly, others—but happily many fewer—had a more negative recollection. 22.1% acknowledged "mixed feelings" about their days at the Law School; but only a rather small proportion expressed irritation (6.5%), pain (5.2%), indifference (3.4%), or outrage (!) (1.9%). Further analysis of the questionnaire data will make it possible to determine whether these latter negative categories are overlapping in composition (i.e., whether there were only some 7% disenchanted or as many as 17%) and, more interestingly, to determine the different mix of feelings among more recent Alumni and among Alumni of ten or twenty years ago (and earlier). I suspect we will find that the memories grow warmer and happier as the years go by!

It will also be interesting to trace through time the respondents' characterization of relationships between the students and Faculty. In the total return of some 1400, it is remarkable how

the figures confirm what most of us within the Law School community have discerned over the years: a friendly and supportive relationship between Faculty and students. The very high proportion of 83.8% stated that during their days at the Law School, the relationship could be characterized as either warm, free and informal (18.4%), or cordial but relatively formal (63.8%). Some 12.1% characterized the relationship as "indifferent," and—happily—only 2.7% said it was "uneasy, suspicious" and 1% (13 persons) found it "antagonistic." In characterizing relationships within the student body itself—i.e., whether the atmosphere was principally competitive or principally cooperative—the overall responses tip toward the competitive (not altogether surprising, I should say). 24.1% found such relationships "very competitive"; 44.8% found them "somewhat competitive"; 3.3% found them "indifferent"; 14.3% found them "somewhat cooperative"; and 13.3% found them "very cooperative." There is no doubt that there is "competition" in the Law School, but that alone does not mean that the competition is "unhealthy"; for many, the stimulation that comes from the "friendly competition" of one's classmates is what makes law school an exciting learning experience. (In another part of the questionnaire, Alumni were asked to rate the contribution to their legal education made by "competition with other students"; some 45% stated that this made a large contribution or some contribution, while some 38% thought that such competition made no contribution or was actually harmful.)

The Law School fared rather well in certain comparisons made by the Alumni with other institutions. Thus, when asked to compare the general quality of teaching at the Law School to that at their college, 58.7% concluded that the Law School was better, 28.5% that it was about the same, and 12.9% that it was worse. When asked whether they believed their legal education at the University of Pennsylvania was better or worse than that of their peers from other schools, 66.8% believed that it was better (a very pleasing statistic indeed, since so many of our Alumni work in private law firms, corporate legal departments, and government offices populated by alumni of the nation's best law schools), 30.7% believed it to be about the same, and only 2.5% believed it to be worse.

A substantial number of questions in the Alumni questionnaire, with varying degrees of specificity, asked the respondent to point out the strengths and weaknesses of their legal education. Much of that data—perhaps the most important that the questionnaire can provide—has already been processed and can be summarized here, but much of great interest is yet to come, as we record and process later portions of the questionnaire responses. We know, for example,

that on a downward-moving scale of quality, 28.7% stated that the Law School performed "outstandingly" in fulfilling its responsibilities to prepare the respondent to understand and handle current legal problems, while another 46.5% believed that the School had performed "well." Of the remaining one-quarter of the respondents, 20.1% ranked the Law School as "satisfactory" in this respect (comparable, one supposes, to the current grade of "qualified" at the Law School), while only 4.6% gave a rating of "poor." In spite of this overall affirmative appraisal, more specific questions elicited more specific statements about perceived "shortfalls" in legal education at the Law School.

It would protract this essay unduly to reiterate all of the data emerging from these more specific questions; there will be an opportunity to do so in a more detailed report in the future. Suffice it to recount here some particularly interesting Alumni appraisals. For example, 91.7% asserted that the Law School *should* give great emphasis (as distinguished from some emphasis, little emphasis, and no emphasis) to training in "thinking like a lawyer" (i.e., the ability to read cases, handle legal doctrines, and employ the techniques of legal analysis); 83.6% believed that the Law School in fact *did* give great emphasis to this skill, with another 15% believing that it gave some emphasis. Basically, then, with respect to instruction in this skill, the Law School pretty well lived up to the normative designs of our Alumni with hindsight. With regard, however, to every other skill or subject matter in a list of fourteen, the actual legal education fell short of the desired legal education. In some instances, it was drastically short. (This tough-minded assessment should, it must be remembered, be placed in the context of an overwhelmingly affirmative impression of the Law School's role in preparing the respondents to deal with current legal problems, and a yet more affirmative impression in comparing Pennsylvania's legal education to that at other law schools!)

For example, 51.4% thought that law school should place great emphasis on teaching substantive legal doctrine (and a total of 96.3% believed there should be "great" or "some" emphasis), while only 44.2% believed that the Law School did in fact place great emphasis on such doctrine (and a total of 90% believed that great or some emphasis was in fact accorded it). With respect to instruction in procedural legal doctrine, the "should/did" ratio is 38.8 to 24.2 (counting only the answers mentioning "great emphasis" and ignoring for the moment the combination of "great emphasis" and "some emphasis"). Although one would assume that the Law School does some of its best work in training in legal research and legal writing, here too the school is perceived to fall short of the mark: 63.2% answered "should"

and only 27% answered “did” with respect to great emphasis on legal research; and 66.3% answered “should” and only 17% answered “did” with respect to legal writing. Surprisingly, at least to this observer, only 21% of the respondents believed that law school should give great emphasis to legal philosophy and theory (with some 32% believing that this worthy study should be given little or no emphasis in law school!); yet even here, there was a perceived shortfall, with only 14.2% believing that the Law School in fact placed great emphasis on legal philosophy and theory, and a rather substantial 46.8% believing that the Law School in fact gave that subject little or no emphasis at all! Regrettably, the gap between norm and fact was greater yet on the very important matter of treating “legal ethical standards”: 44.8% believed these standards should be given great emphasis and another 42.7% (for a total of 87.5%) believed it should be given some emphasis, while it was concluded that the Law School, in fact, gave them much less emphasis (9.2% thought there was great emphasis and 31.9% thought there was some emphasis). It will be especially interesting to trace this statistic over the past decade, as the Law School has made a much more vigorous effort—including a course requirement—to deal with matters of legal ethics and professional responsibility.

Not surprisingly, when one passes to a catalogue of legal skills (as distinguished from subject matter), the Law School’s shortfall is perceived to be particularly great. As to oral advocacy, the ratio of “should give great emphasis” to “did give great emphasis” is 31.9 to 5.9. As to trial practice, the ratio is 22.9 to 1 (with 82.1% stating that the Law School placed little or no emphasis on this skill). As to communication skills (including counseling and interviewing), the ratio is 36.3 to 1.3. As to negotiating, the ratio is 25.9 (although some 15% thought that the Law School should not attempt to teach this at all) to 0.9 (with some 55% believing that the Law School gave that skill no emphasis at all). As to investigating the facts of a case (a skill that is possible, but very difficult, to learn in a law school setting), the “should/did” ratio was 27.4 to 5.1. Somewhat surprisingly, the skill which the Alumni placed lowest on the “great emphasis” scale was the “ability to use legal techniques to achieve policy goals”; only 11% thought that this should be given great emphasis (and only 4.4% thought that great emphasis was in fact given). Although using techniques to reach objectives is a practical (and analytically creative) task which lawyers commonly confront—“planning” might be another name—nearly 20% believed that this should be given no emphasis at all in a legal education. (Perhaps the term “policy goals” made many of the respondents think about legislative activity

rather than good-old “preventive lawyering.”) Finally, there were similar scores on the last-listed skill, “ability to choose which goals should be achieved,” with a ratio of 12.2 to 4.

These figures are intriguing, and invite much further analysis and correlation. One thing they show is that in rank-ordering what law schools should be teaching about, there is probably not too great a disparity between practitioners and legal educators; and Alumni ranked in descending order “thinking like a lawyer,” legal writing, legal research, substantive legal doctrine, and legal ethical standards. As to actual objective performance in these areas, however, our Alumni find modest to substantial weaknesses. On a wide range of other matters, moreover, there appears to be a disparity of view between our Alumni and the curriculum at most American law schools (our own included), for—as measured by the “great emphasis should be given” and “some emphasis should be given” answers—some two-thirds or more of our Alumni would emphasize oral advocacy (85.5%), trial practice (73%), communications skills (71.2%), investigating (66.7%) and negotiating (62.7%), to a significant degree.

Indeed, when the questionnaire posed another query—“Check any suggestions below which you would make for improving your own education at the Law School”—by far the most popular responses were that the Law School should be more oriented to the practical problems encountered in practice (mentioned by 63.1% of the respondents, in a possible multi-answer context), and that the School should add forms of training other than course work (50.8%). Trailing behind were such suggestions as the more frequent use of interdisciplinary approaches (23.4%), greater emphasis on traditional areas of the law (20.3%, a prescription which in some respects runs counter to that immediately preceding), the introduction of new course materials in established courses (18.8%), and the introduction of new elective courses (14.2%).

The questionnaire elicited some interesting material concerning the reasons that students enroll in particular courses or seminars. By far the most significant factor, not surprisingly, is a genuine interest in the subject (68.7% rating this as of great importance, and 24.8% rating it of some importance), followed by a belief that the teacher (regardless of subject matter) would be stimulating (37.2% considered this of great importance and 39.1% thought it to be of some importance). Two “real world” pressures also accounted for course preferences but, interestingly, in considerably lesser degree than the two factors already mentioned. 59.4% mentioned as of great or some importance “not genuinely interested in subject matter, but felt it would be useful later in my career”; and 35.8%

mentioned bar-examination requirements. Happily (from the perspective of this observer), respondents said in substantial measure that no importance at all was given to such factors as convenient class hours (73.3%), an anticipated light workload (85.3%), and the instructor's reputation as an easy grader (92.2%).

The final matter of educational significance that can be discerned from our early questionnaire results is the extent to which a number of specific factors (such as faculty, individual study, student comments and the like) contributed to the respondents' legal education. (The precise figures here will require some special analysis, in view of the significant number of respondents who, on particular factors, answered "no opinion" or "not applicable.") "Faculty in classes" was mentioned by some two-thirds of the respondents as having made a "large contribution" to their legal education (with some 95% concluding there was either a "large contribution" or "some contribution"; the other significant options being "no contribution" and "harmful"). Ranked almost as high (some 59% considering it very important) was "reading and other study for classwork." Some one-third of the respondents mentioned the socratic method and informal student discussion as making a large contribution to their legal education (with only some 12% giving that kind of weight to "remarks by other student in class"); and nearly one-third placed great weight upon faculty in seminars and the general atmosphere at the Law School. Interestingly, somewhat less than 20% of the respondents believed that small classes made a large contribution to their education, and the same was true regarding "independent study not part of formal class preparation" (with roughly the same numbers in support of the proposition that these two factors made no contribution at all).

Although a number of other factors were mentioned as contributing significantly to the respondents' legal education, it might be worth noting those factors which were thought by more than an imperceptible number of students to have been harmful influences: some 10% mentioned "competition with other students" (roughly equal to the number who said that such competition made a large contribution to their education); some 6% mentioned the socratic method; and some 5% mentioned the general atmosphere of the Law School. It will be interesting to do a "time scan" with the computer, for the purpose of determining whether the weight given these various factors by students over the years has materially changed.

Having derived some profile of Alumni attitudes about the Law School upon their arrival, it might be pleasant and informative to close with some data about why the Alumni chose to become members of the student body in the first

place. Respondents were asked to mention the reasons which played a significant part in their decision to come to Pennsylvania rather than to some other law school. (More than one reason could be selected.) The responses are gratifying. 75.3% mentioned the "quality of the Law School" and 47.1% mentioned "prestige." A significant proportion of the respondents were preoccupied with geography, either because they expected to practice in Pennsylvania (33.9%, a figure which is likely to have changed through the years) or because they were attracted to the Philadelphia area (an enlightened segment of American youth which is hopefully on the increase). 20% said that the size of the Law School played a significant part in their decision to come here, 17.3% acknowledged that they were not admitted to other schools which they would have preferred, and 16.6% referred to better financial aid offerings than from other law schools. Other factors mentioned were "springboard for the type of job I wanted after graduation" (10.5%), "a parent or relative attended this school" (8.5%), course offerings were more suited to the applicant's needs than at other schools (6.1%, divided almost equally between those thinking that Pennsylvania's program was more professionally oriented and those thinking it was more social-problem oriented), job opportunities while in school (5%), and the attraction of certain professors at the school (4.4%). (It would be interesting to attempt to learn how law school applicants develop impressions regarding the faculty and the curriculum at the various law schools to which they apply.)

In the portions of the questionnaires which have not yet been computer-analyzed, the Alumni will present their views on such matters as the courses they found most valuable (and least valuable), the wisdom of requiring enrollment in particular courses beyond the first year, possible improvement in teaching methods, advice to present day Law School students in planning their course program, the benefits derived from seminar study and clinical work, the extent to which students worked at part-time jobs during law school (and the extent to which that interfered with their studies), and many other issues of interest and importance. If there is yet further interest and support from among the Alumni, it should be possible to break down the data along the lines at least of field of specialization and number of years since graduation from the Law School, in an effort to discover correlations of special significance and the evolution of student attitudes. When this study is completed, it is likely that we shall know a great deal more about our students and Alumni, and about the institution we call the University of Pennsylvania Law School. It is to be hoped that we can derive some helpful suggestions for improving the quality of legal education at the School.

The Faculty

Vice-Dean Phyllis W. Beck was nominated by Pennsylvania Governor Dick Thornburgh to be a judge of the Superior Court of Pennsylvania.

Assistant Professor Stephen B. Burbank is serving as Coordinator of the Legal Studies Seminar, a series of meetings throughout the year at which papers prepared by members of the Faculty or of the faculties of other law schools are discussed.

Professor George E. Frug published an article "The City As A Legal Concept" in 93 *Harvard Law Review*, 1057, April, 1980.



Associate Dean and Professor Robert A. Gorman has been appointed as the United States Representative on the Administrative Tribunal of the World Bank.

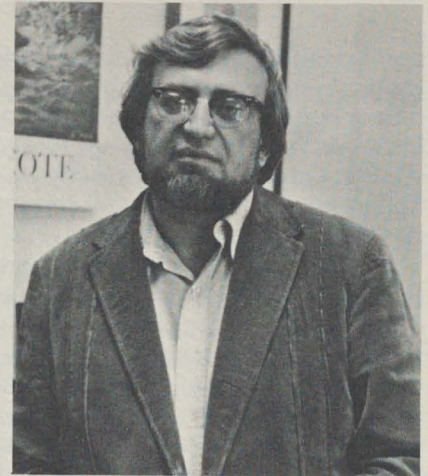
Professor George Haskins' volume of the official History of the U.S. Supreme Court, *John Marshall: Foundations of Power* is now formally listed for fall publication. However, his personal guess is for early 1981. He spent much of the summer preparing the basic materials for a new book on the English church courts and their influence on American legal development. Recently, he received an invitation to participate, with a written address, in a conference on the

development of the Massachusetts legal profession in Boston next spring.

Professor Noyes E. Leech continues as General Editor, with Professor Robert A. Mundheim, of the *Journal of Comparative Corporate Law and Securities Regulation*. He is working on the 2nd Edition of *The International Legal System* (edited with Professors Oliver and Sweeney).

Mr. Leech participated in the annual seminar of the International Faculty for Corporate and Capital Markets Law in Rio de Janeiro, Brazil, in July, 1979, and in Brussels, Belgium, in July, 1980. From April to June, 1980, he was Visiting Professor at the Faculty of Law, University of Geneva, Switzerland.

Professor Leech delivered lectures on Corporate Law and Securities Regulation to business students at École de Commerce de Rouen, France, May 8, 1980 and to law students at Faculté de Droit et des Sciences Economiques de Rouen, France, May 9, 1980. He lectured to students in Law and Economics at the Institut Universitaire de Hautes Études Internationales, Geneva, Switzerland on May 30, 1980. Mr. Leech also delivered a series of four lectures to lawyers, members of the Association Genevoise de Droit des Affaires, in Geneva, Switzerland, on May 21 and 28, and on June 1 and 18, 1980. Mr. Leech was the Law School nominee on the Board of Trustees for Community Legal Services of Philadelphia. He also taught a short course in International Law to diplomatic trainees from the United Arab Emirates, March 31-April 3, 1980 as part of a program under the University's Middle East Center.



Professor Howard Lesnick and his family are living in New York for two years while his wife, Carolyn Schodt, does course work for a Ph.D. in Nursing. He is Visiting Professor of Law at New York University.

Dr. Richard G. Lonsdorf completed a two and one-half year term as President of the Mental Health Association of Southeastern Pennsylvania in June, 1980. He is awaiting his term as President of the Philadelphia Psychiatric Society to begin in January, 1981.

Professor Robert H. Mundheim was elected Director of The First Pennsylvania Corporation and The First Pennsylvania Bank. He is the General Editor, with Professor Noyes E. Leech, of the *Journal of Comparative Corporate Law and Securities Regulation*. In July, 1980, Mr. Mundheim attended the annual seminar of the International Faculty for Corporate and Capital Markets Law, in Brussels, Belgium.

On September 9, 1980, Professor Mundheim was presented with the Alexander Hamilton Award, the highest Treasury Award:

As General Counsel of the Department of the Treasury, for having served the last three years with outstanding competence

and energy as a senior policy advisor and the chief legal advisor to two Secretaries of the Treasury.

He played a leading role in the drafting, passage and implementation of two major new Federal guarantee programs: the New York City Loan Guarantee Act of 1978 and the Chrysler Corporation Loan Guarantee Act of 1979. He was responsible for the administration of the Federal anti-dumping and countervailing duty statutes during the critical period preceding the enactment of the Trade Agreements Act of 1979. He supervised the drafting of the orders and documents implementing the voluntary wage price guidelines in 1978, the blocking of assets of the Iranian government in 1979 after the seizure of American hostages and the credit restraint program in 1980.

He participated in the resolution of a series of complex banking, securities and market questions, and streamlined the working of one of the largest legal operations in the Federal Government. The quality and results of his efforts have been in the highest tradition of the Department and of the standards of its first Secretary.



Professor Louis B. Schwartz testified before the Antitrust Sub-committee of the House Judiciary Commission on September 9, 1980 against the "Bell Bell" which lifts a consent decree against AT&T's going into unregulated businesses. His paper, "Antitrust Law and Trade with Centrally Planned Economies," delivered at the Interface II Conference in Posnan, Poland, June 1980, is soon to be published by *The Antitrust Bulletin*.

Professor Ralph S. Spritzer will be in charge of the Fall seminar program of the Appellate Judges' Conference of the American Law Association which will be held next year at this Law School. Members of the Penn Law Faculty will conduct four three-hour sessions dealing with subjects of current concern to State and Federal appellate judges.

Professor Clyde W. Summers was elected to membership in the American Law Institute in May, 1980.

Alumni Briefs

'27 **J. Glenn Benedict** has been selected as the Volunteer of the Month for his involvement in the Chambersburg, Pennsylvania Area United Way.

'30 **John I. Christ** of Wellsboro, Pennsylvania, was recently the guest of honor at a retirement party honoring his 50 years of service to the legal profession.

David F. Kaliner of Philadelphia, has become counsel to the newly-merged firm of Ominsky, Joseph & Welsh, P.C.

'31 **Bernard G. Segal** of Philadelphia has been re-elected First Vice-President of the American Law Institute Council at the ALI's 57th Annual Meeting held in Washington.

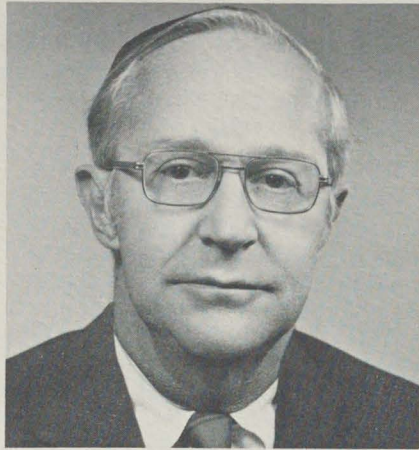
'34 **Hon. Edward J. Stack** of Fort Lauderdale, Florida is a member of the U.S. House of Representatives for the 12th Congressional District. He is a member of the Human Resources and Education Committees.

'35 **Louis J. Goffman** has been chosen a member of the committee which will guide the United Way's new Planned Giving and Endowment Program. Mr. Goffman is a partner in the Philadelphia firm of Wolf, Block, Schorr & Solis-Cohen.

'37 **Robert L. Trescher** has been re-elected to a second term as Vice-President of the University of Pennsylvania Board of Trustees. He is a senior partner and Chair of the firm of Montgomery, McCracken, Walker & Rhoads.

'38 **Sylvan M. Cohen** of Philadelphia is Chair of a 23-member committee chosen to guide the United Way's new Planned Giving and Endowment Program.

M. Carton Dittman, JR. of the Philadelphia firm of Ballard, Spahr, Andrews & Ingersoll, is a member of the United Way's new committee to guide their Planned Giving and Endowment Program.



'40 Frank C. P. McGlinn of Haverford, Pennsylvania, has been promoted to Senior Vice President of Philadelphia's Western Savings Bank. He has assumed responsibility for the Marketing/Business Development Department, a new department which comprises marketing services; public relations; and consumer, corporate and institutional business development.

'41 Wilson Stradley of Stradley, Ronon, Stevens & Young announced the relocation of the firm to One Franklin Plaza, Philadelphia.

'43 Bernard M. Borish of Philadelphia has been elected to the Board of Directors of the American Judicature Society. He is First Vice-President of the Law Alumni Society of the University of Pennsylvania Law School and is a partner in the firm of Wolf, Block, Schorr & Solis-Cohen.

'48 John Merwin Bader, of Wilmington, Delaware, has been awarded a certificate in Civil Trial Advocacy by the National Board of Trial Advocacy, Washington, D.C. The NBTA is a private agency which identifies lawyers who, by experience, recommendations and by passing a written examination, have demonstrated particular qualifications in the trial of court cases.

'49 Marshall A. Bernstein of Philadelphia is serving his second year as President of the Law Alumni Society of the Law School.

Dean Emeritus and Professor Murray L. Schwartz of the U.C.L.A. Law School was the recipient of the University of Pennsylvania Law Alumni Society Award of Merit at the Annual Meeting of the American Bar Association in Honolulu, Hawaii, in August, 1980. (See *Symposium*)

Edward W. Mullinix of Philadelphia heads a coordinating group of the American Bar Association, implemented to study the impact of the 'Big Case' on litigation costs and delays.

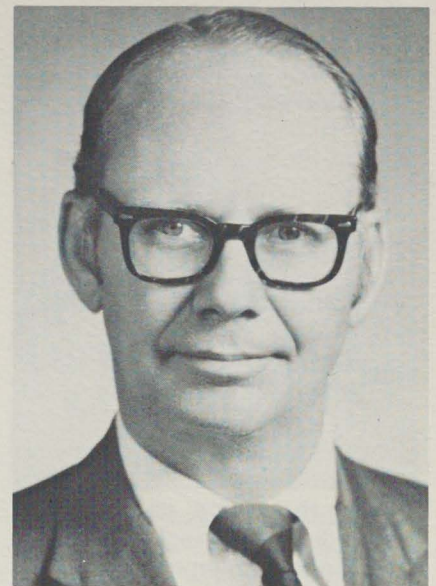
Marvin Schwartz of New York, represents the American College of Trial Lawyers in the American Bar Association's coordinating group studying the impact of court costs and delays in 'big cases'.

'50 Judge Francis A. Biunno of the Philadelphia Court of Common Pleas, spoke before the Reprographic Association of Greater Philadelphia.

Hon. D. Donald Jamieson is now a Vice-President of the Citizens Crime Commission of Philadelphia. He is a member of the Philadelphia's firm of Mesirov, Gelman, Jaffe, Cramer & Jamieson.

'51 Donald M. Collins is a partner in the Philadelphia firm of Stradley, Ronon, Stevens & Young.

George S. Webster has been appointed Western Savings Bank's new Personal Financial Consultant. At Western's Philadelphia office, Mr. Webster is available to give free financial



counseling to those wishing guidance and direction towards better management of their personal matters.

'52 Ira B. Coldren, Jr. of Uniontown, Pennsylvania, has been elected Secretary by the Board of Directors of the Pennsylvania Bar Institute for the 1980-81 term. He is a partner in the firm of Coldren & Coldren.

'53 President Judge Edward J. Bradley of the Philadelphia Court of Common Pleas, has been named to the Advisory Council of the Temple University School of Business Administration. Judge Bradley delivered the State of the Judiciary Address at the 22nd Annual Bench-Bar Conference in Atlantic City, New Jersey, September 26, 1980.

Thomas N. O'Neill has been elected to the Board of Managers of the University of Pennsylvania Museum. He is also serving on the Board of Governors of the Pennsylvania Bar Association.

Mr. O'Neill is a partner in the firm of Montgomery, McCracken, Walker & Rhoads, Philadelphia.

Arthur A. Peters, Jr. has been appointed to the Board of Directors of the First National Bank of Danville, Pennsylvania.



Irwin Edward Robinson of Philadelphia, has been admitted, to practice before the United States Court of Military Appeals in Washington, D.C. A member of the U.S. Naval Reserve, Captain Robinson is in the law department of General Mills, Inc., Aston, Pennsylvania.

Arthur R. G. Solmssen, a partner in the Philadelphia firm of Saul, Ewing, Remick & Saul, has written a new book, *A Princess In Berlin*, published by Little, Brown and Company. He has written three previous novels: *Rittenhouse Square* (published in 1968), *Alexander's Feast* (1971), and *The Comfort Letter* (1975).

'54 Eugene H. Rotberg has been named to the Advisory Council of the Temple University School of Business Administration. He is with the International Bank for Reconstruction and Development.

Thomas E. Waters, Jr. has announced the formation of his firm Waters, Gallagher & Trachtman with offices at Suite 701, One Montgomery Plaza, Norristown, Pennsylvania.

'55 James R. Edgerly has been elected to the position of Vice President and General Counsel of the Pennsylvania Power Company. He was formerly their secretary and general counsel.

'57 Richard Kirschner announces the relocation of his labor law firm of Kirschner, Walters & Willig to 1429 Walnut Street, 11th Floor, Philadelphia.

Stephen I. Richman of Washington, Pennsylvania, has published an article in the August 1980 issue of *Chest*, the Journal of the American College of Chest Physicians, entitled "Meanings of Impairment and Disability: The Conflicting Social Objectives Underlying the Confusion." Mr. Richman is a partner in the Washington firm of Greenlee, Richman, Derrico & Posa.

'59 Jack A. Rounick of Norristown, Pennsylvania, has been named a recipient of the Pennsylvania Bar Association's Special Achievement Award.

'60 Alan B. Portnoff of West Chester, Pennsylvania, has announced the formation of the firm of Hope, Portnoff & Goldberg, Ltd.

William T. Sutphin was elected Vice-President of the Princeton, New Jersey, Bar Association. He practices law at One Palmer Square, Princeton, New Jersey.

'61 Paul R. Anapol of Philadelphia, was appointed to the Board of Governors of the Pennsylvania Trial Lawyers Association. He is a Diplomat of the National College of Trial Advocacy and a member of the Civil Procedure Committee and the Federal Courts Committee of the Philadelphia Bar Association. Mr. Anapol is a senior partner with the firm of Anapol, Schwartz & Weiss.

Richard K. Stevens, Jr. announces the relocation of the offices of Stradley, Ronon, Stevens & Young to One Franklin Plaza, Philadelphia.

'62 Martin G. Heckler has become associated with the Philadelphia firm of Fox, Rothschild, O'Brien & Frankel.

'65 Sheldon N. Sandler, a partner in the Wilmington, Delaware, law firm of Bader, Dorsey, & Kreshtool, is Chair of the

'63 Michael J. Rotko, of Philadelphia, has been named to the Advisory Council of the Temple University School of Business Administration. He is a partner in the firm of Rotko, Kurland & Bockol.

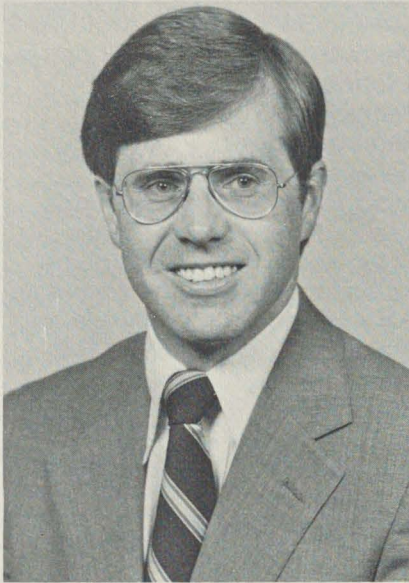
Faith Ryan Whittlesey has joined the Philadelphia firm of Wolf, Block, Schorr & Solis-Cohen. She is Vice-chair of the Delaware County Council and is a former member of the Pennsylvania House of Representatives. Delaware State Bar Association's Labor Relations Law Committee. He is also Chair of the Subcommittee on Strike Litigation of the American Bar Association Committee on State and Local Governments Bargaining of the Section of Labor Relations Law. He recently served as Reporter for the 1980 Third Circuit Judicial Conference.

'66 Mary-Jane ("M.J.") Snyder of Los Angeles, California, has joined the studio legal affairs department of 20th Century Fox as distribution and marketing counsel. Ms. Snyder is now specializing in the legal work for 20th Century Telecommunications, Inc., which is involved in cable/pay television and the new world of videograms (video discs and video cassettes).

'68 Richard L. Bazelon of Philadelphia is Treasurer of the Law Alumni Society of the University of Pennsylvania Law School.

Richard A. Behrens of Riggles Gap, Pennsylvania, has been nominated by Governor Dick Thornburgh to fill a judgeship position in the Common Pleas Court. Mr. Behrens, who specializes in civil law, is a partner in the firm of Patterson, Evey, Routh, Black, Behrens & Dorezas, with offices in Holidaysburgh, Pennsylvania.

'70 **Earl David Greenburg** of Los Angeles, California, has been appointed Vice President of the N.B.C. Compliance and Practices Department, West Coast. In this position, Mr. Greenburg's responsibilities include reviewing N.B.C. programming for compliance with legal and regulatory standards, and the administration of N.B.C. policies and practices.



Wayne T. Jouron of Avon, Connecticut, has been appointed Assistant Counsel in the legal department at Connecticut General Life Insurance Company. He has been practicing corporation law for nine years, the last six with the New York firm of Patterson, Belknap, Webb & Tyler.

'71 **Bernard B. Kolodner** has become associated with the Philadelphia firm of Fox, Rothschild, O'Brien & Frankel.

William J. Moses has been named to the new post of Vice President and General Counsel for Time-Life Films, New York. He is responsible for all of their legal functions, for coordinating the work of outside law firms, and will serve as legal adviser to Time-Life Films executives. Mr. Moses was a partner in the Philadelphia law firm of Dilworth, Paxson, Kalish, & Levy prior to his present appointment.

'72 **Charles R. Morris**, has written a book, *The Cost of Good Intentions* published by W. W. Norton and Company, 1980.

Jane Sommer of North Adams, Massachusetts, has become the Assistant Director of the Career Development Office at Smith College.

Charles N. Sweet of Morrisville, Pennsylvania, received the Award of Merit from the American Bar Association, for his work with the Bucks County Bar Association in organizing the Human Services Council. Mr. Sweet is a partner in the firm of Curtin & Heefner, Morrisville.

F. Michael Wysocki of Philadelphia, has become associated with the firm of Rawle & Henderson, 2200 Packard Building, Philadelphia.

'73 **Linda Fisher**, of Philadelphia, is Secretary of the Law Alumni Society of the University of Pennsylvania Law School.

'74 **Michael L. Browne** of Philadelphia has been nominated by Governor Dick Thornburgh as State Insurance Commissioner. He is a partner in the firm of Dilworth, Paxson, Kalish & Levy.

Robert W. Kaufman and his wife, Fran, have given birth to a daughter, Laura Ann, born April 8, 1980.

Alan Siflinger is now associated with the Philadelphia firm of Fox, Rothschild, O'Brien & Frankel.

'75 **Beverly K. Rubman** has co-authored (with SEC Commissioner Philip A. Loomis, Jr.), the article "Corporate Governance in Historical Perspective," 8 *Hofstra Law Review* 141.

'78 **Mark L. Alderman** has become associated with the Philadelphia firm of Wolf, Block, Schorr & Solis-Cohen.

'79 **Jeffrey M. Liebowitz** of Miami Beach, Florida, has written a paper entitled "Superstation Development and the Changed Potential of Cable Television: Regulatory Problems and Possible Solutions," which was selected as a winner of the Nathan Burkan Memorial Competition.

John Parvensky, Director of the Community Resource Center of Philadelphia, wrote an editorial entitled "Oil Refinery Tax is an Equitable Tax," which appeared in *The Philadelphia Inquirer* last Spring.

In Memoriam

- '13 **Harry H. Teitelman**, Camden, NJ, September 30, 1980
- '17 **Hon. James C. Howe**, Madison, NJ, September 2, 1980
- '25 **James H. Rush**, Daytona Beach, FL, July 6, 1980
- '27 **Charles M. Justi**, Villanova, PA, September 28, 1980
- '29 **John Hogg Austin**, Devon, PA, September 4, 1980
- '30 **Charles H. Brunner, Jr.**, Norristown, PA, July 1, 1980
Hon. Benjamin R. Jones, Jr., Wynnewood, PA, July 24, 1980
Albert N. Zeller, Sewickley PA, June 7, 1980
- '32 **Robert B. Brunner**, Lafayette Hills, PA, July 12, 1980
- '33 **Walter S. Anderson**, Somers Point, NJ, July 12, 1980
John B. Pearson, Harrisburg, PA, September 12, 1980
- '38 **Curtis P. Cheyney, Jr.**, Havertown, PA, September 13, 1980
- '41 **Louis C. Pirnik**, Perkasio, PA, 1979
- '51 **Thomas J. Sullivan**, Monrovia, CA, December 6, 1977
- '53 **Dean L. Foote**, Allentown, PA, July 6, 1980
Henry A. Meinzer, Harleysville, PA, September 24, 1980
- '54 **Leonard A. Rose**, New York, NY, July 4, 1980

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